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EARLY VIEW OF THE CITY OF WASHINGTON.

EARLY VIEW OF THE CITY OF WASHINGTON.

Official Edition

THE NEW COMPLETE HISTORY OF THE UNITED STATES OF AMERICA

By John Clark Ridpath, LL. D.

Author of Ridpath's History of the World

Volume VII

INCLUDING the traditions and speculations of the pre-Columbian voyagers; the discovery and settlement of the New Continent; its development under colonial government and the establishment and progress of the Republic.

APPOSITELY illustrated with original drawings, maps, portraits, and notable documents, selected for their contemporaneity from the Royal Archives at Genoa, Madrid, Paris, and London, by special permission of their governments, from the Department of State and the Library of Congress at Washington, and from private collections of rare Americana.

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CHAPTER XLIX.

RECOVERY AND VICTORY

1780-1

Cornwallis' fortunes

Not long after Gates' overthrow, Cornwallis began his triumphal northward march to reclaim North Carolina and unite with Leslie in Virginia, reducing that pillar of the rebellion to obedience, and thus having the whole South for a base whence to crush the northern army and provinces. But after a fortnight's harassment at the border rebels'-nest of Charlotte, King's Mountain drove him hurriedly back to the Camden region. Calling Leslie's force to make good the losses which were draining the life-blood of his own army, and leaving Clinton to replace Leslie with other forces, in January 1781 he once more set out, with Greene hurrying to cut him off from Virginia, and all his light troops lost at the Cowpens. Like all the visions of ardent loyal populations rushing into England's arms, that of North Carolina proved a dream; and Greene on March 15 forced him to a battle (Guilford Court-House) victorious indeed, but so costly that he had to abandon the State, retreat to the coast, and go on to Virginia by water with the pitiful fragment of an army. With the conjoint forces he raided that State for a while; but Clinton ordered him back to the coast, and he occupied the York peninsula to wait orders.

1780-1

While there, Washington and Rochambeau suddenly descended on him, a great French fleet drove off the English one which came to his rescue, and on October 19 the one considerable English force in America outside of New York was compelled to surrender.

Corn-wallis captured

Meantime Greene had returned to South Carolina; and a vigorous spring campaign with even defeats doing the work of victories had redeemed it all save the lower Santee. Six and a half years of war in America had left England one little province, two other spots on the coast, and one small army, while two armies had been captured entire. Even English tenacity was sick of the losing game: the liberals were allowed to have their way, and the great colonies were no longer "impotent pieces of the game" played by a foreign power. Internally the millstone of depreciating paper currency around the people's neck was finally cut loose for good. Unfortunately, the end of this period of recovery was not in sight from the beginning, and there was much despairing rebelliousness from unendurable misery and a sense of injustice. A formal union government was adopted for the first time, but so loose and powerless that nothing was gained.

South Carolina mostly recovered

England tired out

The United States

During this period also gigantic events were taking place all over the earth, of which in the view of other contestants this war was but a side issue; events making or confirming a distribution of world-supremacy to affect all coming ages. These will be briefly noted in their setting, as

The world

forming a vital part of our own conflict by forcing Great Britain to spend her strength elsewhere. The thousands needed for garrisons here left a field army too small to last out the drain of war.

1780 Aug. 18

The very day Sumter's force was cut to pieces, August 18, Ferguson's doom was directly brought on by the most brilliant victory of the partisan bands to date. McDowell, Shelby, Clarke, and James Williams, with 200 men, made a dash from their camp on the Broad to wipe out the garrison of Musgrove's Mill on the upper Enoree, forty miles off with Ferguson between; not knowing that its 200 regulars and 100 or so Tories had just been doubled. Riding all night, skirting Ferguson's camp, and crossing six rivers, they accidentally alarmed the post at dawn, and 400 to 500 troops came out to cut them off. Hustling together a breastwork of fallen timber and brush in the woods on a ridge near by, they sustained what Shelby called the hardest and best fought action (on both sides) he ever was in, one wing being outflanked and driven back; but the frontier rifle inflicted frightful losses, the British wavered, and a general charge drove them in headlong rout to and through the river, losing half their number—63 killed and 90 wounded including nearly all their officers, and 70 prisoners—against the Americans' 13: a full requital for Fishing Creek.

Partisans strike at Musgrove's Mill

Fierce battle and American victory

The remaining garrison hastily retreated to Ninety-Six twenty-five miles west, and the sleepy victors with tired horses started on to capture that also; but just then came news of Gates' defeat and

Move on Ninety-Six

1780 Aug. McDowell's withdrawal to Gilbert Town (now Lincolnton), North Carolina. With Ferguson so hot on their trail that they eluded him only by a half-hour, they rode all night and another day without stopping, and, half dead, escaped with their prisoners.

Camden forces Musgrove's Mill victors to fly

The same catastrophe temporarily drove out Marion, who with Major Peter Horry was ranging the Santee to cut off Charleston from supplying Camden. On the 21st, Hugh Horry with 16 men surprised and captured a body of regulars, taking 150 of Gates' captured Maryland Continentals to Charleston; but only three would join him. The rest asked, "What is the use of fighting when all is lost?" and deserted to a man. A week later Major James surprised Wemyss' rear-guard and killed or captured 30 of the 49 men. But Wemyss far outnumbered Marion, Micajah Gainey (an ex-patriot with a grievance) had 500 Tories, and Marion with sixty or seventy men not having families to protect retired to North Carolina.

Marion's success

Forced out also

Nevertheless Cornwallis was feeling the drain severely: his losses by fighting alone in the past six weeks had been over 1100, and fully as many were in hospital from heat and malaria—himself and Tarleton were stricken down again and again. Still more alarming, the fondly trusted Tory militia proved never safe to trust alone. Any number had either joined for safety, intending to desert, or were shamed or horrified into it by British outrages; one battalion on receiving their arms went over to Sumter in a body; Mills'

Cornwallis' uneasy situation

detachment, as noted, collusively surrendered. Marion with sagacious and humane policy enrolled and trusted all his Tory captives who would join; and gained some of his best men and officers by it. Ferguson made his seven militia battalions subscribe an agreement that all who failed to answer a call should be impressed into the regular service, and their cattle, grain, horses, and arms seized for those who would "defend their country." As if Clinton's treacherous breach of contract had not done mischief enough, Cornwallis now ordered not only that all deserting militia should be hanged, but that all who had taken paroles and would not turn out should be imprisoned and their property confiscated; and had five men hanged at Camden without trial, Browne at Augusta hanging five more.

1780 Aug.-Sept.

Oaths and penalties for Tories

Cornwallis' rigorous policy

Thirty-three of the chief citizens of Charleston, including Gadsden, were torn from their homes without even an alleged breach of parole, confined in a prison-ship, and finally sent to St. Augustine. Sweeping confiscations were carried out. Even more crushing was the debarring of all persons except those under full allegiance to the Crown from practicing any industries to support life; this for a time bowed many spirits which could endure themselves but not let their families starve. The patriot population was to be driven to the wall; but the wall stiffens backs wonderfully. McDowell's bands put their energies into mastering Ferguson; and several North Carolina leaders were urged to join the attempt.

Imprisonment, exile, confiscation, proscription

Reaction

1780 Sept. Clarke undertook a fresh expedition against Augusta, hoping to raise 1000 men. But the Ninety-Six district, strongly Tory always, was kept so by the judicious clemency of the excellent Cruger (a New York loyalist, son-in-law of Oliver De Lancey, and the best ever sent South), while his fellows and superiors' "energy" turned loyalty to loathing; only 80 were secured from it, and 430 altogether. Undismayed, on September 14 they stole on Augusta, where Browne had 150 white men and two or three hundred Cherokees. In a simultaneous assault on the fortified town and a log trading-house to the west, they carried the former, but a furious four-days' siege of the latter failed, though Browne was shot through both thighs; and heavy reinforcements from Cruger compelled Clarke's thinned and plunder-scattered force to retreat, leaving Captain Ashby and 28 others wounded in the enemy's hands. Browne wreaked on them one of the most frightful massacres of the war. Ashby and twelve others were hanged in his sight; the rest were given to the Indians, who scalped and then tomahawked a part, and roasted the rest in bonfires or otherwise tortured them to death. A reign of terror was instituted all through the district: old and young suspected of helping or communicating with Clarke's men were hanged,[1] and a swarm of their

Clarke's Augusta expedition

Fails

Browne's hideous revenge

[1] A British officer wrote home in glee: "We have now got a method that will soon put an end to the rebellion in a short time, by hanging every man that has taken protection and is found acting against us." Others wrote exultant accounts of the massacre. Cornwallis congratulated Ferguson that the Indians had "pursued and scalped many of the Americans."

relatives crowded into filthy prisons in the heat,—some of them aged men who died under it, and one dragged thither at the cart's tail and flogged. Hundreds of women and children were made homeless, and forced to live in mean huts in famine. Sons and brothers and fathers of all these formed part of the terrible militia at the Cowpens.

1780 Sept.

British create terrible enemies

Under the same order of policy the eastern section was all aflame. Wemyss had almost made a desert for seventy miles along the Pedee and Black rivers and Lynch's Creek, and ten or fifteen miles wide—a space nearly as large as Rhode Island. The buildings were systematically burned, especially the loom-houses that furnished clothing; all provisions and live-stock destroyed that could not be carried off; and the negroes deported to make industry impossible. The Presbyterian churches, and every copy of the Bible with the Scotch Psalms, were burnt. A leading Whig, Adam Cusack, was hanged on a trumped-up charge. This was doing the patriots' work: Marion returned from North Carolina with ever-growing forces. About September 14 he surrounded and cut to pieces a more numerous party of Tories on Black Mingo Creek; later, gathering some 400 at the famous Snow Island rendezvous, on the Pedee just below Lynch's Creek, he surprised and dispersed with 26 killed the Tory militia which Colonel Tynes was calling out on Black River, most of whom shortly came over to him.

Wemyss desolates eastern section

Marion takes the field

Cornwallis after his victory had called up reinforcements from Charleston, and on September 8

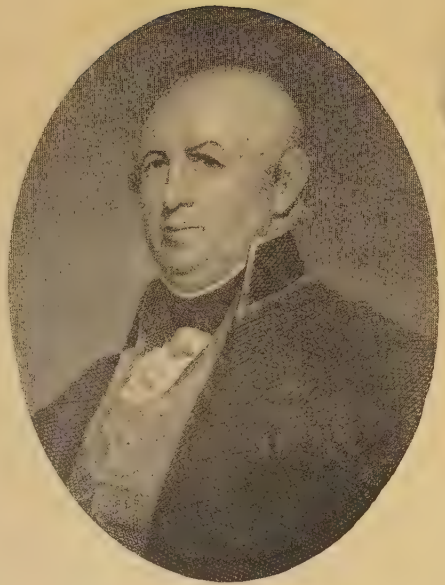
1780 Sept. 8-25 he began his long-planned march to sweep the South; leaving Rawdon in command, though Nisbit Balfour the commandant of Charleston had practically independent authority in the lower counties. His main body was to march through the most implacably hostile section of the Carolinas, Mecklenburg and Rowan counties; Ferguson to skirt the mountains and join him; Tarleton to move midway, between the Broad and Catawba. His first camp was in the Waxhaws. Davie at Providence six miles below Charlotte, beating up the country in his front to cut off foraging parties, heard of an isolated rear detachment; and on the night of the 20th swept thirty miles around the British left, burst on them at the plantation of his subordinate Captain Wahub, put them to flight with 20 killed and 40 wounded, and returned with 96 horses and 120 stand of arms without losing a man. Two brigades of North Carolina militia under Jethro Sumner and William L. Davidson came up that day, but retreated before Cornwallis' advance; but Davie resolved to make him earn Charlotte by a fight. When he entered it September 25, Davie with some 200 men was occupying the main street around the courthouse, held Hanger and the whole British cavalry at bay with so formidable a fire that neither Hanger nor Cornwallis in person could make them charge,—Hanger being severely wounded,—and the infantry had finally to dislodge them.

Cornwallis starts north

Davie in his path

Who makes him fight for Charlotte

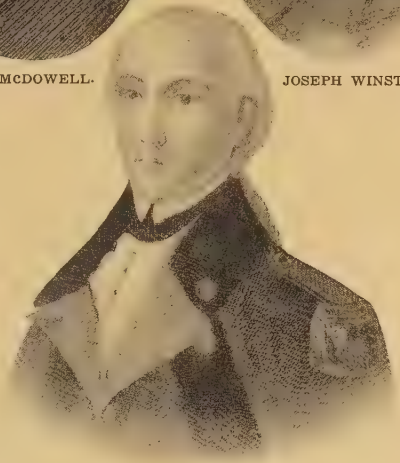
Cornwallis purposed to remain at Charlotte till its supplies were exhausted, meanwhile arranging



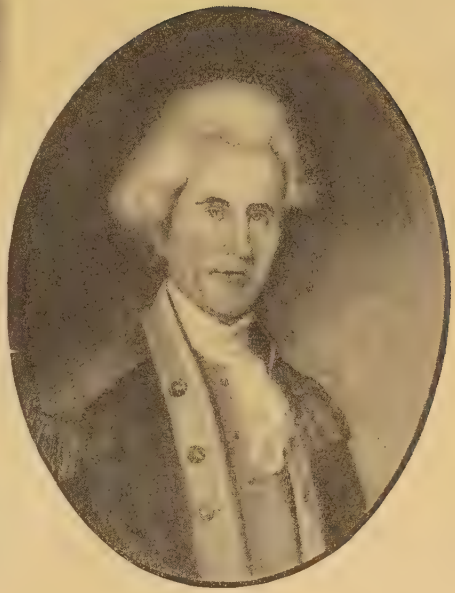
ISAAC SHELBY.

JOSEPH McDOWELL.

JOSEPH WINSTON.



ABRAHAM DE PEYSTER.



JOHN SEVIER.

SOME OF THE LEADERS AT THE BATTLE OF KING'S MOUNTAIN.

for a general rising of the North Carolina loyalists; but the district was a place of pure torment, loss, and blockade. The small ill-cultivated farms had been gleaned again and again; the inhabitants would not sell food to his foragers, fired on them from hiding,—"Every bush concealed a rebel," said one of them,—and captured or killed his messengers, so that he could gain no news from the rest of the State as to his prospects. But he lay irresolute till the first great Southern disaster forced him to fall back and fill up his ranks before going on.

1780 Sept.

Cornwallis almost besieged

McDowell had retired before Ferguson, though ambushing and cutting up a detachment under Dunlap and badly wounding him. Ferguson camped at Gilbert Town; and remembering Shelby's part in Musgrove's Mill, sent word to the over-mountain (Tennessee) settlers that if they did not cease opposition he would come and hang the leaders, and lay waste their territory with fire and sword. Never did a threat recoil on the maker more terrifically. The messenger, a paroled kinsman of Shelby's, gave him his best information of Ferguson's forces and plans. Shelby at once rode to see Lieutenant-Colonel John Sevier, commander of the county militia,—the famous "Nolachucky Jack," the idol of his section: of French blood like Marion; a born frontier leader, orator and master of men, genial, hospitable, large-molded; brave, active, and resourceful. They resolved to strike first and carry out the old plan: chose 480 men, half the fighting

Ferguson's boomerang

Shelby and Sevier

1780 Sept.-Oct. force of the settlements, and equipped them from the funds in the county land office, over $12,000, lent on his own responsibility by the patriot entry-taker; induced Colonel Benjamin Cleveland of Wilkes County, a mighty hunter and Indian-fighter, to collect a band and join; persuaded William Campbell the colonel of the Kentucky militia (then Washington County, Virginia) to do the same with 400, though at first he refused out of State duty since Cornwallis was approaching; McDowell jumped at the chance and came with 160. The last two came to the rendezvous at Sycamore Shoals on the Watauga.

Gathering of mountain men

Mostly mounted, and armed with the celebrated long-range accurate Deckhard rifle, of 30-inch barrel and four-foot stock; their baggage a blanket, a drinking-cup, and a wallet of parched-corn meal mixed with maple sugar; and their task consecrated with solemn prayer,—the 1040 men set out on the morning of September 26. Two were Tory spies, who deserted to Ferguson the next day; suspecting it, the expedition turned aside and took an unfamiliar path down the mountain. At the Catawba, Cleveland and Major Joseph Winston joined with 350 men. A general head for these various militias being felt desirable, to prevent a fatal dead-lock, it was resolved to ask Gates for one, hoping for Morgan; meantime Campbell was appointed, and McDowell, patriotically yielding his primary claim, asked to carry the request to Gates, leaving his men in command of his brother Joseph.

March to overwhelm Ferguson

Question of command

1780 Oct. 3-5

Ferguson, apprised of his peril, had left Gilbert Town when they arrived on the 3d, and taken the Ninety-Six route as a blind; but they were informed of his purpose to join Cornwallis before they went astray, and agreed on a junction with Sumter's command (now under Colonels Hill and Lacey)[1] at the Cowpens,—a Tory's cattle ranch three or four miles below the North Carolina line, between the Pacolet and Broad. They were also joined by 50 of Clarke's men under Majors Candler and Chronicle. But many horses were breaking down and the marchers growing footsore; at this rate they would never "catch Ferguson,"—their steady rallying cry, in pursuance of which they resisted the temptation to break up Tory bands on the road,—and at Green River on the 5th

Grand gathering against Ferguson

Picked force chosen

[1] This affair is very illustrative of the whole situation. Williams had so magnified his part in Musgrove's Mill, that Rutledge gave him a brigadiership and Nash of North Carolina a commission to raise a cavalry corps. He at once involved himself in a bitter quarrel with Sumter and his band by pertinaciously trying to take the latter for his own. They would not recognize him,—the less as he had lost their respect by acting with the common property in a way they considered embezzlement and desertion,—and a delegation of officers went to Rutledge to protest; pending which Sumter retired, leaving Hill and Lacey, able officers and sterling men, in command. Williams with some 70 men camped near them on the Catawba; and hearing of the mountaineers' expedition, he and a companion by false news of Ferguson's march basely tried to divert them to a plundering raid into Williams' own Fair Forest region and bring Sumter's men there also (the partisans being unpaid and sharing what was taken from the enemy, a most demoralizing system). Hill wrung the truth out of Williams, who said the North-Carolinians could fight Ferguson or let it alone: it was their (the South-Carolinians') business to fight for their own country—an illuminating remark. Hill being disabled, Lacey rode all night to tell the mountain men the truth. Williams and his party, not daring to undertake the pillaging quest alone, at length followed Sumter's corps to the Cowpens, though hooted and stoned by them; and the chosen half went to King's Mountain with the rest.

1780 Oct. 5-7

chose about 700 of the strongest men and horses and best equipments, half the force, to go on. Some 50 of those dropped would not be balked of their share, tramped after, and twenty or thirty actually caught up and took part in the battle.

Ferguson's reluctant withdrawal

Ferguson wanted to cut off Clarke's fugitives from Augusta,—some 300 men escorting 400 women and children to the mountain settlements; and to catch this sorrowful rout he was imperiling over 1100 soldiers,—he had furloughed many to watch for it, and was awaiting them. Learning his danger on the 30th, he sent to Cruger (vainly) for reinforcements, and to Cornwallis for Tarleton's Legion as an escort to Charlotte, ambushes being probable among that disloyal population—who in fact waylaid his messengers like Cornwallis', and compelled so long a circuit that this letter only reached Cornwallis October 7, the day of Ferguson's destruction. He did not need the help, and had thrice over time to reach Charlotte; but instead of taking the straight road, he proceeded first exactly opposite and then wheeled along the Broad, with short marches and long halts, which cost his life and his corps.[1] Issuing

Ruins him

[1] This confirms what was evident enough without, that the reinforcements were not really wished as an escort; with 1100 reliable troops, he did not need as many more to help him retreat forty miles, with no embodied enemy in rear or within five days' march. That he distrusted neither the courage nor the fidelity of his loyalists is proved by his voluntarily standing fight with them. His long delays and spurning popular appeal furnish the real explanation: he was a fanatic of British loyalty and of hate and contempt for the rebels, and could not bear to leave the district dominated by the "mongrels" and even reinforced by the Georgians—the reason of his lingering to intercept the latter; and wanted reinforcements to master it before going on.

on the 1st an appeal to the people which is a political curio,[1] on the 6th he wrote to Cornwallis (dispatch intercepted) that he was coming by a road north of King's Mountain; instead, he bore off south through a pass, encamped within the range on a swell from which he boasted the Almighty could not drive him, and awaited the "Backwater men."

1780 Oct. 1-6

Ferguson camps within King's Mountain

The position does no great honor to his military perspicacity, nor his use of it to his judgment. The range, stretching sixteen miles across the State line, here splits into three arms; the central one a series of long knolls, divided from each other by ravines or connected by narrow rocky natural causeways. Ferguson's choice was one of these, table-shaped with a flattish rocky top, a mile and a half below the line; about 60 feet high, 600 yards long, and 60 to 120 wide; running roughly northeast and southwest, the broad part at the northeast end; sloping quite sharply to the

The position

[1] DENARD'S FORD, BROAD RIVER.

Tryon County, October 1, 1780.

GENTLEMEN:—Unless you wish to be eat up by an inundation of barbarians who have begun by murdering an unarmed son before the aged father, and afterwards lopped off his arms, and who by their shocking cruelties and irregularities, give the best proof of their cowardice and want of discipline—I say, if you wish to be pinioned, robbed and murdered, and see your wives and daughters, in four days, abused by the dregs of mankind—in short, if you wish or deserve to live and bear the name of men, grasp your arms in a moment and run to camp.

The Back Water men have crossed the mountains; McDowell, Hampton, Shelby and Cleveland are at their head, so that you know what you have to depend upon. If you choose to be degraded forever and ever by a set of mongrels, say so at once, and let your women turn their backs upon you, and look out for real men to protect them.

PAT. FERGUSON, Major, 71st Regiment.

1780 Oct. 6-7

ravine on that end and its side valleys,—the western south side was very craggy,—but more easily ascended on the western north. It was heavily timbered on the sides, very sparsely on the top, and without water.[1] His force was too small to occupy the whole top, so he concentrated it at the broad end, leaving one flank open to a foe once up. Earthworks could not be raised on this rock table, but the timber made abatis and log breastworks easy; yet he constructed none, and only drew his wagons together along the open flank as a sort of barricade.

Poor position not strengthened

In a word, but for the slope—even that rather a disadvantage, as those on top perpetually overshot—it was just such an ambush as the Americans would have delighted to draw him into, his men an unprotected mark while the assailants were in cover; only in one place was there a natural rampart of rocks. "More assailable by the rifle than defensible by the bayonet," Harry Lee puts it tersely: down from the edge the rocks and trees broke up a charging line, and the narrow top was easily shot across, enfilading the defenders. But Ferguson was so confident in its strength or in speedy succor that he actually let some 200 of his men go off on a foraging expedition the day of the battle: if so short of provisions, all the more he should not have gone there.

Its defects

Defenders weakened

[1] The position was curiously like Herkimer's final one at Oriskany, but there were three important differences in the situation, all in Herkimer's favor: his knoll was timbered, his assailants were much fewer, and most vital of all, they were not willing to risk their lives—the real cause of the patriots' escape from extermination.

1780 Oct. 6-7

At the Cowpens the evening before, Sumter's and Williams' men and 60 North-Carolinians under Lieutenant-Colonel Frederick Hambright having arrived, about half—210—were selected also. The 910 marched all night in dead darkness and a cold autumn rain, wrapping their blankets and hunting-shirts around their gun-locks, fording the deep swollen Broad at Cherokee Ford with their rifles held high above the horses' backs; many of the horses gave out, but the men pressed on all day and through the next forenoon's heavy rain. Learning Ferguson's position, a former hunting-camp of Chronicle's, they settled a plan of attack—to surround the knoll as far as possible and storm it.

Final march to King's Mountain

It is a striking fact that in this turning-point of the Revolution, Ferguson was probably the only Briton present; America was fighting out between her own Whigs and Tories the question of home vs. foreign rule. His men minus the foragers numbered probably 925, almost identically the same as their foes' 930 to 940; all loyalists whom he had been drilling for months, especially in bayonet practice, and virtually regulars as good as any in America, where the British line was now largely recruited. His second, Abraham De Peyster, was a Knickerbocker of fine old stock.

No British there

The Tories

Their opponents—"dirty mongrels," in Ferguson's phrase—were largely Presbyterians of Scotch blood, fairly educated and intensely religious like the Ironsides, and filled with stern wrath and vengeance at blasphemous desecrating

The patriots

1780 Oct. 7

foes: they now repaid the rancorous war on their religion by a deadly blow at England's heart. The rest were mainly frontiersmen as virile as the Vikings, mingled of English, Scotch, Huguenot French, and German blood like their foes.

King's Mountain: arrangement of American forces

The American force was divided into two columns along the sides of the knoll, closing around the east end in the ravine. Campbell commanded his own men, Sevier's, McDowell's, and Winston's, ranged west to east on the south side; Cleveland commanded Hambright's, his own, Hill and Lacey's, Williams', and Shelby's, from the east junction of these around along the north. They too, having only man for man with their foes, could invest no more space than those could defend. The sky cleared about noon of the 7th; by three the bodies began to take their places, irregularly from difficulties of ground; Campbell's and Shelby's first, working up opposite each other.

Opening of the battle

"Here they are, my brave boys," shouted Campbell: "shout like hell, and fight like devils!" and with a wild frontier war-whoop that disconcerted De Peyster, who had heard it at Musgrove's Mill, they started painfully toiling up the most abrupt and difficult part of the hill, firing with destructive aim as they reached the summit. Ferguson drove them down the side by a bayonet charge; they rallied, turned, broke the enemy with a deadly fire and pushed them back to the crest once more, again and yet again to be rolled down, once fairly hurled from the ledge. Meantime Shelby had climbed his slope on the other

Campbell and Shelby

side; twice the bayonets forced him back, and twice he reascended. 1780 Oct. 7

But now Hill and Lacey had risen over the northern edge, and the bayonets had to be turned on them once and again. Williams, coarse and unscrupulous but chivalrous at heart, after hesitating in sullen resentment, took his place with hearty warmth; one of his officers with a small squad burst through into the British centre and again forced a way back. Chronicle's and Hambright's men, delayed by a swampy spot, had struggled up the steepest slope save Campbell's, though Chronicle lay dead at its base; twice De Peyster led a charge that cleared the side, but again they came on. Cleveland, vociferating ever "A little nearer to them!" gained the top and at last held it; Sevier, Winston, and McDowell lined the east southern edge and fired straight into the main British mass. The bayonets were employed in so many quarters at once that reinforcing either was impossible; and a fourth of the British were past charging. Campbell and Shelby met across the top, and drove a British squad from the one rock fortress; Sevier forced the enemy's left flank in upon the centre.

American forces around the crest

British hemmed in closely

Americans over the edge

Enfiladed by the lines of foes that thronged both edges, and ever pressed upon more closely, the thinned British ranks began to waver. Ferguson's right hand was disabled; but he had always carried his sword in his left, still blew his famous "horn of Roland," a silver whistle, and rode along every file encouraging and exhorting. Flags of

Desperate fight

1780 Oct. 7

surrender began to show in different quarters; Ferguson cut down two in succession. De Peyster's Provincial Rangers, ordered to the front, were half annihilated before they reached it; a reinforcing company of twenty cavalry were shot down as fast as they mounted. De Peyster and other officers implored Ferguson to stop a useless and hopeless slaughter; he swore he would never yield to "such a d—d set of banditti"; but seeing all lost and resolved not to be captured, he made a dash for the thinnest looking line and fell pierced with several bullets. De Peyster, now in command, raised another white flag, fifty minutes after the battle had begun; but some youth were ignorant of its meaning, many men remembered the fate of Buford's flag-bearer, others were on fire with revenge for that massacre and the worse one at Augusta, the British had not thrown down their guns, and some firing still went on. But the American leaders were not butchers, and had stopped it when unluckily a returning party of Ferguson's foragers, not knowing the fight was over, fired into the victors; Williams was mortally wounded; it was believed that some prisoners joined, and feared that they meant to attempt a break for liberty: and to check it a fresh American fire made some further victims.

King's Mountain: Ferguson will not yield

Slain

British surrender

Unfortunate error

Ferguson's corps was extirpated save his outparties; 119 killed, 123 wounded, and 664 sound prisoners, 906 in all: a disproportion of killed due to superior markmanship and close range. The Americans lost 28 killed and 62 wounded. They

Sweeping victory

captured also 1500 stand of arms, and seventeen baggage-wagons which they burned. Fearing the imminent arrival of Tarleton, they hastened away, leaving the badly wounded and dead on the field; the one to local ministrants and the other to the wild hogs. Sumter's old corps, however, camped a few miles off rather anxious for a brush with Tarleton. A week later, on complaint that some of the prisoners were "robbers, housebreakers, *parole-breakers,* and assassins," a dozen were sentenced to death and nine hanged. Doubtless revenge for the hangings and worse at Camden and Augusta, and Cusack's execution, was a spur, and quite likely the world was well rid of the subjects; but the excuse was impolitic.

1780 Oct. 7 et seq.

Executions after King's Mountain

Cornwallis had all along been uneasy about Ferguson, putting little faith in his drilled militia—though Wellington's best regiments would not have fared otherwise; and wished Tarleton to go to his aid, which Tarleton refused as weak from fever. Ferguson's request had arrived, and reports of his defeat kept coming in, but Tarleton still hung off till the 10th; assured of the truth on his march, he kept on to rescue the supposed remnants, but Hill and Lacey presented so bold a front that before he dared attack them he was recalled. Cornwallis had at once abandoned or destroyed twenty wagon-loads of supplies, and urged on an unremitting retreat; and amid several days' continued rain, through the sticky fathomless mire still a terror to travelers, across the swollen creeks with steep slippery banks, with the draft horses

Tarleton's dilatory march

Cornwallis' wild retreat

1780 Oct.

breaking down and the loyalist militia taking their places (and cursed while doing it, causing desertions), the food giving out, the water vile with mud, and Cornwallis himself taken down with fever, the army toiled in misery to Winnsborough west of Camden,—a better position, as covering both it and Ninety-Six and in a better country,—reaching it October 29.

Cornwallis retreats to Winnsborough

Leslie in Virginia had been placed at Cornwallis' discretion. The latter must have him in order to reach Virginia at all, and recalled him to Charleston; meantime strengthening the old posts in the State, and establishing new ones at Nelson's Ferry and west of it at Orangeburg to secure the communications with Charleston. Sumter and Marion had been made brigadier-generals; the former placed in command of all the State militia, the wrangle with Williams being ended by his death. Marion was raising the whole country between the Santee and Pedee: Cornwallis wrote to Clinton that there was hardly a man there not in arms against him, and some of Marion's parties had made Charleston tremble for its safety. Balfour had to send a regiment to Nelson's Ferry to enable supplies and detachments to go forward. Cornwallis therefore sent Tarleton to put an end to Marion's activity. Tarleton occupied the house of General Richard Richardson, lately dead from the effects of British imprisonment; had his body dug up to search the grave for the family plate, made the estate a desert, burnt every building on it but the mansion, and

Calls in Leslie

Ground giving way under his feet

Tarleton moves against Marion

then fired that over the family's head while they were in it. Advancing against Marion, he chased him through swamps and defiles for twenty-five miles, until stopped by an impassable marsh; and withdrawing,[1] was shortly called in by Cornwallis.

1780 Oct.-Nov.

Tarleton baffled by Marion

On the Earl's retreat, Gates moved the reorganized Continentals from Hillsborough to Charlotte. Smallwood with a large militia force under Sumner, Davidson, and Allen Jones, took post at Providence; Davie with 300 at his boyhood home of Landsford on the Catawba; Sumter with 425 at Fishdam Ford on the Broad, hoping to draw off a part of the British while Smallwood and the Continentals assailed the main camp—but the announcement of Gates' replacement prevented the co-operation. Sumter, in a strong Tory neighborhood, and so without information of Cornwallis' movements while his own were minutely betrayed, was surprised by Wemyss on the night of November 8-9; he was asleep and narrowly escaped capture, but his officers were on the alert, the attack was repulsed with heavy loss, and Wemyss crippled for life and captured. The merciless brute, with a list of his burnings in his pocket and no end of murders on his head, was generously protected from vengeance by Sumter.

Gates' army moves south

Wemyss attacks Sumter

Repulsed and crippled

Cornwallis, in fear for Ninety-Six, recalled Tarleton and sent him against Sumter. Tarleton

[1] His traditional utterance is classic for Sumter and Marion: "Come, my boys! let's go back and we'll soon find the game-cock; but as for this d—d old fox, the devil himself couldn't catch him."

1780 Nov.-Dec.

marched swiftly up the Enoree and tried to get in Sumter's rear; but Sumter, advised in time, fell back to Blackstock's near the Tyger, a log tobacco warehouse on a low partly wooded hill. Tarleton lest his prey might escape pushed on with 180 mounted men, and late in the afternoon of the 20th assailed Sumter's force drawn up near the house. But his left was flanked in the wood and lost heavily, his right badly thinned by fire from the house and in front as he charged up the hill to its right; and both wings were twice driven back in disorder. Sumter was disabled by a shot in the shoulder; his second, fearing a renewed attack when the rest of Tarleton's force arrived, withdrew across the river that night, and Tarleton claimed a victory; but he lost 51 men (his account) or 192 (the American) against the Americans' four, and returned to Winnsborough the next morning—which makes the 192 the more probable. He celebrated by hanging the father of a large family. Lacey kept the field with part of Sumter's command.

Battle of Blackstock's

Tarleton retreats

Clarke and McCall renewed the attempt on Ninety-Six, encamping at Long Cane to the west. They were joined by Colonel Benjamin Few of Georgia, who took command of the whole. Cruger knew he was unsafe if Few was not dislodged; and on December 10 sent 450 men to surprise him. Few sent an advance body under Clarke and McCall and Major Lindsay to detain them while he brought forward the main body; but in a short action all three of the leaders were disabled and the detachment routed, 14 killed and half the

Battle of Long Cane

wounded butchered on the spot. The fugitives found Few just retreating, on the ground that from information of their rout the enemy seemed too numerous to attack. 1780 Aug.-Dec.

As the Continental army of the Southern Department now becomes a deciding factor in the contest once more, we will outline its condition as the crushed and no longer arrogant Gates had reorganized the remnants. The Maryland and Delaware troops were consolidated into one regiment, placed with a company of light infantry under Otho Williams; Gist went home on recruiting service, and Smallwood was given a North Carolina militia command. Buford with his survivors and 200 fresh recruits came in, also Porterfield's 50 or so. Altogether there were on paper 2307 by December, of whom 1482 were present and fit for duty, and less than 800 of those could be mustered with proper equipment. Even some of William Washington's cavalry (White had retired) had to be disbanded. Armand's corps had been dismissed as unreliable. One recruit, however, was a corps in himself—Daniel Morgan. He had ignored Congress' assignment of him in June to Gates' army with his old rank of colonel; but the news of Camden sunk private feeling in patriotic duty. He hurried to Hillsborough with a few companions, arriving late in September; Gates welcomed him eagerly, and formed a mixed corps of several hundred for him; and Congress, with its usual genius for doing everything ungracefully late, made him a brigadier-general October 13.

Reorganization of Gates' army

Strength

Morgan joins it

1780 Oct.

Congress had treated Gates, as always, with more consideration than any other commander in the war, and in striking contrast with St. Clair, Putnam, and others easily rememberable. It took the word of those present that the blame was wholly on the "cowardly militia," and left him undisturbed even by an inquiry; not till October 6 —Otho Williams intimates, incited by the letters of Smallwood, whose own conduct needed explanation—did it order one and the appointment of a successor. On request of the Southern delegates, Washington gladly appointed Nathaniel Greene on the 14th.

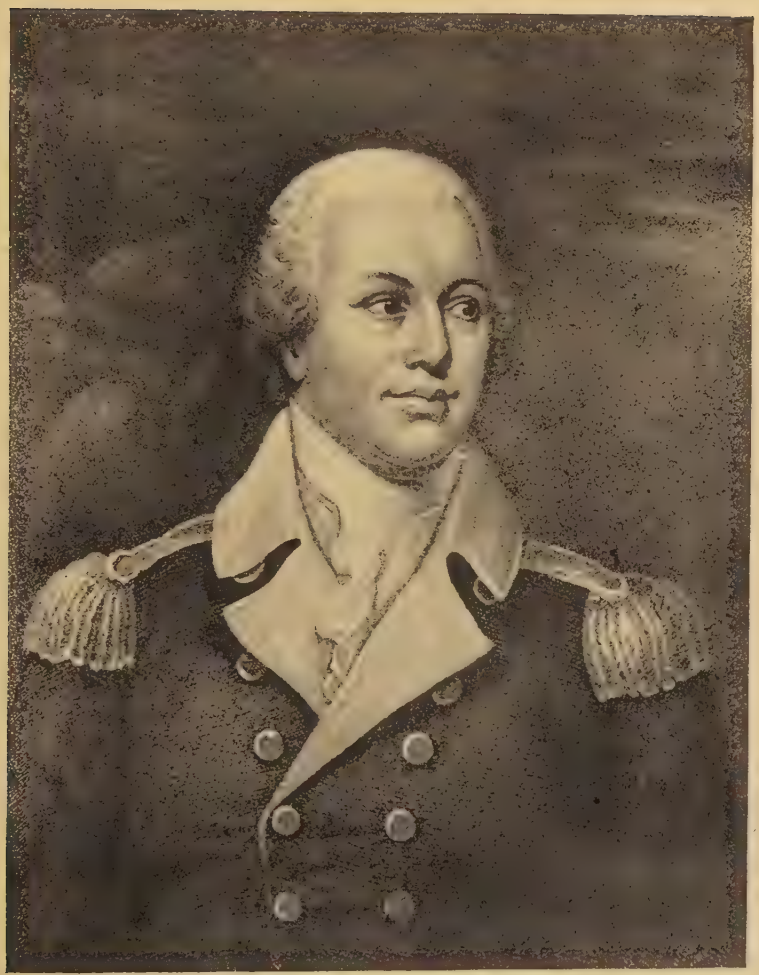
Gates' belated supersession

Greene, a week before made commandant of West Point in succession to Arnold, and previously the ablest of the Revolutionary quartermaster-generals, but driven to resignation by Congressional muddling of his department, had for years been Washington's most valued executive assistant. He was a man of high all-around practical talent, perfected by incessant study and animated by intense energy. For his generalship, Cornwallis' word is weightier than ours; he wrote in New Jersey: "Greene is as dangerous as Washington: he is vigilant, enterprising, and full of resources. With but little hope of gaining an advantage over him, I never feel secure when encamped in his neighborhood." He was equally eminent as a general strategist and a field tactician, an organizer and a disciplinarian; and he made his men granite through their confidence in his judgment. The enemy rarely wrested a foot of

Greene succeeds him

His character

Military abilities



NATHANAEL GREENE.

ground from him save at bloody cost; he had no routs not made good on the field itself, nor worse than slow and orderly retreats. 1780 Oct.-Nov.

With him at their own request, sure of usefulness and hopeful of glory, went Steuben as Inspector-General, to drill and organize the new levies; and Harry Lee with 300 cavalry, to make good the sorest need. Kosciuszko was assigned as engineer. Congress, however, could give him neither soldiers, supplies, money, nor transport wagons; it merely added Maryland and Delaware to his department, to make requisition on for what it was worth. That is, he was to defend all the United States south of Pennsylvania with less than 1800 half-equipped men besides the State militias. As Greene wrote on arrival, the Southern army was "rather a shadow than a substance, having only an imaginary existence." "I think I am giving you a general" wrote Washington to the Southern delegation; "but what can a general do without men, without arms, without clothing, without shoes, without provisions?" Greene's assistants. Powers. Shadowy resources

Stopping at Annapolis, whose Legislature had "neither money nor credit" and dared not draft its lukewarm people, and writing persuasively to Delaware, on November 16 he came to Richmond. Jefferson promised to do what he could for clothing and wagons, but effected little in the state of public finances. The State militia had been called out under Muhlenberg and Weedon, against Leslie who had occupied Norfolk and Portsmouth: Greene left Steuben to organize this force as most Journey South

1780 Nov.-Dec.

vital, keeping open his line of supply from the north, and to send him all that could be spared and all supplies collectible. On the 21st he went forward to Hillsborough; but the State government had gone east to Halifax to guard against Leslie, and the "army" south to Charlotte. Sending word to the former that Leslie was cared for and Cornwallis the one to guard against, he followed the latter, arriving December 2 and taking command the 4th.[1]

Greene takes command

He found it in the sorest straits for daily food: the district was stripped, there was no transport to bring provisions from a distance, and the commissary-general, Colonel William Polk, had just resigned in despair. Shortly before this, the terms of Davie's troop had expired; through a political squabble his commission was not renewed, and he withdrew from service. Greene urged him to take the thorny and thankless commissaryship, and with generous patriotism he acceded.[2] Greene

Wretched state of army

Makes Davie commissary

[1] He was charged with a court of inquiry for Gates; but despite Gates' former underground work against him, wrote to Washington that his generals were needed for more exigent uses, and to Congress on investigation that none was needed, believing Gates not in fault. Congress in August 1782 restored Gates to his rank under Washington in the waiting camp at Newburg.

[2] General McCrady reproaches Greene bitterly for not giving him a fighting position instead, but does not explain where he was to find the troops. If Davie's own State would not commission him to raise them, and he was not willing like Sumter and Marion to pick up volunteers partly bribed by pillage, it is rather unfair to load Greene with the responsibility of taking regulars from their splendidly competent commanders to make him a corps. Captains were already plentiful, and a commissary was a deadly need; and if Davie was willing to take the post, we should honor him but not revile the harassed commander.

had brought along an excellent quartermaster-general, Colonel Edward Carrington; both did wonders with their petty means, and soon enabled the army to take the field efficiently. Rutledge came to the camp and planned help even from his devastated State, and Greene wrought Marion and Sumter into his system of operations. Gates like a conventional military pedant had intended to go into winter quarters: Greene saw that in the South a winter campaign was not impossible, and quickly arranged one. To move directly against Cornwallis' immensely superior strength—7384 regulars in the State, about 3500 separable as a field force on a pinch, besides the Tory militia—was not possible; and Greene's scheme was to make his own a "flying army," confining Cornwallis to the State by rapid harassing movements in conjunction with the militia till he had a larger one. It was ultimately successful, delayed and crippled Cornwallis and perhaps saved the cause; but unfortunately for perfect immediate success, Cornwallis' reinforcements came and his own did not, save few and late, and strategy without troops is a paper game.

1780 Dec.

Greene plans immediate campaign

General plan

Lack of means for it

Greene's general policy and special strategy were alike excellent; and there is no better proof of his large native military genius than that they were exactly opposed—the one of great caution, the other of extreme audacity. The first was to keep near the head-water of the streams, where they were easily crossed and the broken country favored defensive operations, and never

Varied policies

1780 Dec.

to put his troops into a position without safe retreat. The second was founded on sagacious perception of his materials; and while reckless folly in ordinary circumstances, was quite safe with the leaders and men he had. So remarkable a group of officers, with talent almost rising to genius, has rarely been compacted in so small a force; and Morgan, the greatest genius of all, was intrusted with half the twin scheme. This was to divide even Greene's small force: locating the main body in the eastern section to threaten Charleston and Camden at once, and hold a short line to Hillsborough to head off a movement on Virginia; and sending part to the northwest to support the partisan warfare and threaten Ninety-Six. For the first, Kosciuszko selected a strong post at Chatham (now Cheraw) on the east bank of the Pedee opposite Cheraw Hill; and though delayed by long rains, the troops arrived there before the new year. For the second, Morgan was sent with his corps, to pick up also Davidson's and (formerly) Sumner's militia and such partisans as might come in.

Greene's remarkable officers

Twin scheme

Main camp at Cheraw

Morgan goes northwest

Morgan crossed the Catawba and Broad, and posted himself between Thicketty Creek and the Pacolet, changing his camp every night to avoid surprise. Davidson brought him 120 North-Carolinians; McCall a company of Clarke's Georgia partisans; and still more important, Colonel Andrew Pickens, commandant of the Ninety-Six County militia,—one of the ablest military leaders of the State, and of great influence also from his high character,—brought his name and talents and

about 100 men to the patriot cause. He had been paroled, and firmly resisted patriot appeals to break his word; but the sack and ravage of his estate notwithstanding this, by the vicious brute Dunlap against Cruger's policy, absolved him. A band of some 250 Tories from the Savannah was reported foraging twenty miles west: Washington with his cavalry and McCall with 200 partisans set out in pursuit; the Tories retreated twenty miles farther to Hammond's Store, and halted in supposed security with Winnsborough one side and Ninety-Six the other. The patriots rode after them all night, broke in on them the next day (29th), and nearly exterminated the band, killing and wounding 150 and taking 40 prisoners—which suggests retaliation for Tarleton's methods. A detachment at once proceeded against the Tory General Robert Cunningham, with 150 Tories at Ferguson's old camp on Little River; they abandoned the fort and dispersed in the woods, a few being killed or taken, and the patriots burnt the fort, stocked with British supplies and Whig plunder.

1780-1 Dec.-Jan.

Pickens joins

Hammond's Store and Little River

Greene's strategy was now fully justified point by point. Morgan's swift blows and the growing defection in the heretofore loyal Ninety-Six quarter—Cornwallis' own fault for allowing the hounds let loose on it, as it was firm enough while Cruger had his way—alarmed the Earl for that post; and on New Year's 1781 he detached Tarleton with a third of his field force to drive Morgan out, himself on a later suggestion of Tarleton's moving

Tarleton sent against Morgan

1780-1 Dec.-Jan.

northward to cut off Morgan, as an incidental part of the Virginia march. But with the small force left him he feared another King's Mountain gathering, alone or as reinforcing Morgan, feared also exposing Camden to a dash from Greene, and hung back for Leslie's reinforcements. His losses in killed, wounded, and prisoners since July had been over 3100; hundreds more were sick; and Leslie's 2274 little more than half made good the depletion of half a year. Of these, 1530 were ordered brought to Cornwallis.

Corn-wallis waits for Leslie

Leslie, starting from Charleston December 30, was directed to march not straight to Winnsborough up the Congaree-Broad, but circuitously via Camden by the Wateree, lined with rain-flooded swamps it took days to flounder through; partly to mislead Greene as to Cornwallis' intended route to Virginia, partly to interpose Leslie between Greene and Camden. Hence also Cornwallis held Leslie there two days after his arrival, and marched only thirty miles in eleven days waiting for him; and the junction was not effected till the 18th, when Tarleton's corps had gone the way of Ferguson's, and Morgan was out of reach. Greene's plan had delayed Cornwallis towards a fortnight and annihilated a fifth of his troops, about three-fifths of Leslie's reinforcement, without much injuring Greene's.

But has him come a bad road

Dis-astrous results

Tarleton had agreed with Cornwallis to push Morgan across the Broad toward King's Mountain, whither the Earl was to follow and intercept him; and on the 15th reached the Pacolet with

Tarle-ton's advance

about 1050 regulars including 350 cavalry, 100 or so Tory militia, and two cannon. His purpose was not to fight unless needful to prevent Morgan's escape, but in that case at worst to cripple and detain him till Cornwallis came up. Morgan had little over 900 with 125 cavalry, but full of fight, and prepared to contest the passage of the Pacolet; but Tarleton on the 15th made a feint of crossing above to place him between the two British forces, and on his moving up to meet it, slipped down in the night and crossed six miles below.[1] Morgan wanted better fighting ground and retreated hurriedly; but not far till after dark, when he struck north toward the head springs of Thicketty Creek. Tarleton's scouts reporting this and rumors of the mountaineers advancing, he started at three in the morning to head off Morgan from the Broad; but about eight, after a fatiguing march groping in darkness across a rough country, came in sight of the enemy halted near the Cowpens. Morgan had formed and instructed them for battle hours before, then allowed them to rest in place and eat breakfast comfortably.

1781 Jan. 15-17

Tarleton outmanœuvres Morgan

Who retreats toward Broad River

Halts at Cowpens

The ground was seemingly one of the poorest ever deliberately selected by a commander, especially one weak in cavalry against one strong in

Curious ground

[1] A letter from Morgan to Greene, dated from camp on Thicketty Creek January 15, and acknowledged by Greene as of that date, if correctly dated makes nonsense of all the accepted movements before the battle, as outlined by Tarleton and Henry Lee and elaborated by Johnson. This even if "evening" be taken in the Southern sense of "afternoon." The writer is firmly convinced that in both cases it is a misprint for "13th"; if not, he confesses to an absolute *impasse*.

1781 Jan. 17

Battle-field of the Cowpens

it:[1] an imperceptible rise for a few yards in 350, with a slight dip behind, and then another low rise with a little deeper hollow in the rear, enough to hide a man on horseback from an enemy in front; the ridge-ends sloping gently to little brooks; covered with woods open enough for cavalry movements, and both flanks wholly unprotected; while the Broad River a few miles away[2] cut off escape if defeated—a violation of Greene's primary

[1] This would give plausibility to Judge Johnson's deduction in his *Life of Greene*, adopted by General McCrady, that Morgan had no choice but to make a stand, as Tarleton's cavalry could force him to a fight under every disadvantage before he could reach the Broad, or make a crossing impossible if he did. But a glance at the distances and Tarleton's own account disprove this absolutely. Morgan, who had his scouts always within half a mile of the enemy, knew that he had several hours' start of them, and only seven miles to the Broad over a familiar country; while they were picking their way slowly (in fear of ambushes) over ravines and "branches" with the cavalry *in the rear*. He could have crossed in broad daylight while they were still groping in the dark. His previous conduct shows that he wanted to fight (given a ground that suited him) and was confident of victory; his language to his men before the battle shows why—the self-confidence of genius and proved success; and what he said many years later, that half his militia would have left him had he crossed the Broad, is perfectly coherent with this. His further explanation, that he wished the flanks uncovered and retreat cut off because it left the militia no hope of safety if they broke, and if a swamp had been near they would have taken to it, greatly angers General McCrady, who argues that it must be fiction considering his superb militia and his own expressed judgment of them. But he probably did realize, as he says, that he "should have nothing but downright hard fighting," relied on winning it by bullet and bayonet, and felt that whatever impeded his tactical movements was a harm outweighing apparent protection. He certainly had a choice of stronger position, and we are bound to assume rational grounds for an actual choice brilliantly justified.

[2] Morgan's defense of himself many years later, for fighting "with a river in his rear," has led to a ludicrous blunder in the plans of the battle drawn for all manner of popular histories and text-books, and even perpetuated by the Cowpens Centennial Committee. They place Broad River directly in the rear of the field. Its nearest point was six miles off, and the ford seven.

maxim. But Morgan was a born and bred rifleman, who knew that a regular's bullet was no deadlier than a militiaman's, and was sure that with good marksmen he could demoralize an enemy's line and with stanch regulars break it. In both regards he could be complacent: no better regulars and no such militia were together in the world.

1781 Jan. 17

Morgan's plan of battle

His 290 regular infantry were the superb Marylanders and the Delaware remnant; there were two companies—about 100—of Virginians, nominally militia, really in the main ex-Continentals hired as substitutes; the Georgia company of 40 were Clarke's veteran partisans, hearts of oak in service almost since the war opened. These, under Lieutenant-Colonel John Eager Howard, he made his main line along the crest of the front rise. In advance 150 yards he posted Pickens with 270 militia; not only expert marksmen, but most of them like himself liable to be hanged if taken, and surer not to break than any regulars. Still another 150 yards in advance were 150 picked men under Majors John Cunningham and Charles McDowell, in open skirmish order along the whole front; McDowell's riflemen had been nearly a year in service, and fought at Musgrove's Mill and King's Mountain. Behind the rear rise as a reserve were placed Washington's 80 and McCall's 45 cavalry; the ground had this one good point, that the slight elevation covered them from the artillery, and furnished a rallying-place for the militia.

Excellent forces

Dispositions for battle

1781 Jan. 17

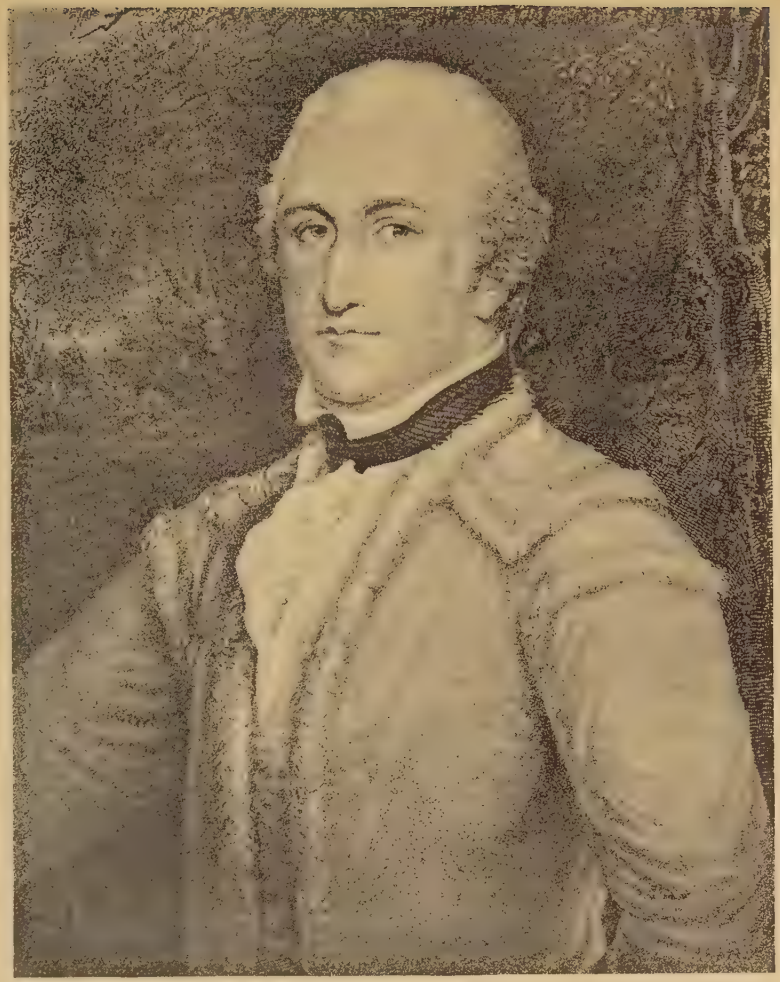
Cowpens: Morgan's heartenings and instructions

Morgan's instructions and quiet general talk were half a victory. He told the militia he had often defeated troops as good as Tarleton's with his riflemen, and they had brilliantly shown what they could do unsupported; now, with hundreds of bayonets to support them, and himself to lead them, they would surely not do worse. The front line were only to fire at fifty yards, and "pick off the epaulet men"; then slowly retire, taking cover as it offered and steadily loading and firing, to a place in the front militia line. The latter at fifty yards were to fire with cool aim, then retire to the left of the regulars. If charged by cavalry, every third man was to fire, the rest only if the enemy kept advancing. The regulars were not to be alarmed at the predesigned militia retreat, but fire low and coolly, not break, and if forced back, halt on the rear rise, where they would be safe.

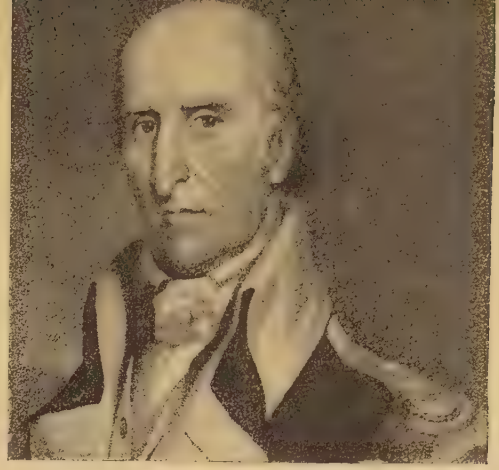
Tarleton's poor materials

Tarleton's men were in part as poor regulars as Morgan's were extraordinary militia.[1] Perhaps 300 were raw recruits, scarcely drilled and in their first battle; and Tarleton's own Legion was partly recruited from Marylanders captured at Camden, not resolute in face of their own old regiment. Also the whole were sleepy and tired and had had no breakfast; but Tarleton feared the reinforcement of mountaineers, was contemptuous of the Americans he had generally routed,

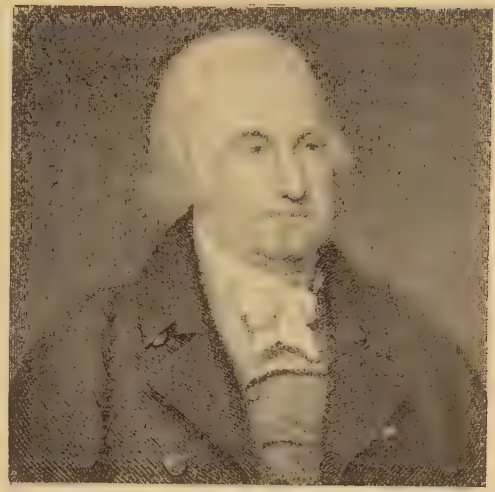
[1] Of course this does not mean that Morgan was not a great soldier, but only that he was not a miracle-worker; merely a master of his craft who used consummately the advantages he had. There would be no military reputations if won only by defeating superior troops with smaller numbers of inferior ones.



DANIEL MORGAN.



ANDREW PICKENS.



and ordered an immediate advance. His dragoons drove in the American skirmish line, but many saddles were emptied; then the infantry formed in three sections,—a field-piece on each flank of the centre, and 50 dragoons on the outer flank of each wing, covering the American flanks,—and advanced firing and shouting. But Pickens' men never wavered, held their fire till the right distance, and poured in one so frightfully destructive that a Continental officer present says it won the battle. The proportion of officers slain was ruinous; it showed in the confusion of movements even as the British charged bayonet, cheering.

1781 Jan. 17

Cowpens: Tarleton's advance

Destructive militia fire

Pickens withdrew to the left as ordered; the dragoons fell on the retreating militia; Washington charged and drove them back, and Pickens soon gathered his men in good order behind the rear rise. Now the main line began a regular and accurate fire, so deadly that the slow and hesitant British advance for the next half-hour was perpetually stopped to re-form the ranks. Tarleton, instead of saving his reserve for a break in his or the enemy's main fighting line, had to spend it in the struggle; his infantry was ordered to flank the American left, his cavalry the right. Morgan ordered the Virginia and Georgia militia to meet the latter by a half-wheel to the right, forming a new line at right angles to the Continentals; the commander had it done by facing entirely about and making the half-wheel to the left. Taking this face-about to be the militia retreat provided for, the regulars turned also and moved

Militia draw back

New line formed on right

1781 Jan. 17 slowly toward the rear rise. Howard supposed Morgan had ordered this; Morgan supposed Howard had, was satisfied, and rode along telling them to halt and face around when they reached the summit.

Cowpens: regulars' slow retreat

Just then came a message from Washington, chasing back the dragoons on the left and seeing the charging infantry's bare flank not in any order: "They are coming like a mob—give them a fire and I will charge them." They were in fact within thirty yards of the supposedly routed Continentals, racing forward and cheering loudly. Morgan instantly halted his men, and rode along the line giving the word, "Face about and give them one fire, and the victory is ours!" Without raising gun to shoulder the line wheeled, fired with bayonets ready to charge, and rushed upon the British, the bayonets interlocking. The entire British front threw down their arms and fell on their faces. "Tarleton's quarters!" was the shout; but Howard sternly checked the idea. Washington dashed upon the right and rear of the rear ranks; Pickens' militia were just hastening back around the British left, and enveloped that flank and rear: in twenty minutes practically the entire British infantry and many horsemen were prisoners.

Face around and charge

British infantry surrounded and captured

Tarleton tried in vain to rally them: his infantry mostly fled or surrendered, and 200 dragoons refused to obey orders and galloped off to Cornwallis. With a few dozens he attempted to rescue the artillery, whose heroic gunners stood to

Cavalry fly

1781 Jan. 17

be sabred by Washington; but was driven from the field, with a fierce hand-to-hand conflict in which Washington narrowly escaped. Thus overwhelmed, the commander of the splendid Seventy-first, the best British regiment in America, gave his sword into Pickens' own hands. Washington pursued the rout till dark, and gathered up nearly 100 more stragglers. The British lost towards 300 killed and wounded, about one-tenth commissioned officers, and 600 prisoners,[1] against 11 killed and 61 wounded Americans, with no important officers. The Americans captured also besides the cannon 800 muskets, 100 horses, 35 wagons, an extreme need, and many tents, as extreme a want as they had none.

Remainder of British surrender

Losses

This was the second of two tremendous blows which in turn ruined the great enterprise of "carrying the war from South to North." King's Mountain prevented Cornwallis' reaching Leslie with some 4000 good troops and having the central South at his mercy, before there was any recovery from Camden or any Greene to follow and wear him down; and forced Clinton again to weaken his army at New York to make good Leslie's corps. The Cowpens left Cornwallis so small a force that

King's Mountain and Cowpens

[1] The British reports are so made up as to conceal the losses; but as 805 regulars out of 977 are missing from the next regimental rolls, besides the artillerymen all lost and the Tory militia unrecorded, we may assume a total loss of towards 900,—600 known to be captured. Johnson puts the killed and wounded at 184, certainly a great understatement. Tarleton was praised by Cornwallis for having used the best judgment in bringing on and fighting the battle; but there were bitter complaints from old officers that fine historic regiments were sacrificed by the presumption of a boy, a mere dashing partisan, good only for cutting off inferior detachments and without tactical ability.

1781 Jan. 17-29

though he undertook the march, he could only reach Virginia with a handful, and had no power to get beyond it or even stay in it.

Results of Greene's strategy

Even yet the effects of Greene's plan of campaign were not exhausted: having first made Cornwallis divide his army in three and lose one of the sections, it now made him lose the chance of throwing himself between the divided American forces and preventing their reunion: either driving Morgan's corps to the mountains or capturing it, and leaving Greene with so small a force that he could disregard it. This was his purpose on hearing of the battle, and the grand march was deflected far west accordingly; but Leslie came up so late that Cornwallis only reached the Second Broad on the 21st, and Morgan was three days gone toward Hillsborough. The Earl turned northeast and followed; but transport difficulties cost four days in making the twenty-five miles to Ramsour's Mill on the Catawba west fork, and to lighten himself for the pursuit he burned his baggage and all the wagons except those of ammunition, salt, and hospital stores. On the 29th he reached the Catawba and found Morgan opposite. Morgan's self-confidence was not of the Gates order: he realized his peril after the battle, set off that noon, crossed the Catawba and secured all the boats, and it being too swollen for Cornwallis to cross without them, sent his prisoners to Virginia and halted waiting for militia reinforcements.

Cornwallis too slow in chasing Morgan

Burns his stores

Morgan across the flooded Catawba

Owing to local Virginia squabbles, Steuben had been able to send Greene but 400 men besides

Lee's Legion of 280—but the latter superb; they arrived the 11th, and Greene planned a move with Marion against Georgetown. Marion was almost investing it, cutting off its supplies and impressing boats, horses, and negroes; and Peter Horry had had a fierce fight with Gainey's band, in which Gainey reached Georgetown with a bayonet up to the hilt in his back, a gift from one of Marion's reclaimed Tories. A few months later he and his force deserted the British. Marion and Lee on the night of the 24th made a joint attempt on the place by land and water; the town was occupied and the commandant Colonel Campbell captured, but the garrison barricaded themselves and the fort was too strong, and the expedition retired. Rawdon was alarmed into placing a stronger force there. Marion and Lee then struck at Nelson's Ferry; but Watson garrisoned Fort Watson ten miles north and retired to Camden with his remaining troops. Just at this time Lee was recalled.

1781 Jan.

Marion girdling Georgetown

Fails in attack on it with Lee

And on Nelson's Ferry

The combined danger of losing Morgan and Virginia forced Greene to abandon all other plans in order to reunite his army and head off Cornwallis. Leaving Isaac Huger in command, with orders to march swiftly up the Pedee-Yadkin to Salisbury, and writing Lee to join him, on the 28th he started across country with five companions to take command of Morgan's force; endangering the safety of the army's head without obvious necessity, probably to have the glory of any engagements with Cornwallis. The Catawba was falling when he arrived, and Cornwallis could

Greene takes over Morgan's command

1781 Jan.-Feb.

soon force a passage; Greene therefore left Davidson and the militia at the lower (McGowan's) ford to make a crossing slow and costly, while he had Morgan retreat from the upper (Beatty's) toward Salisbury. Through a curious accident, on the 31st Davidson's men were flanked and broken by Cornwallis in crossing, and the remnant were dispersed by Tarleton the next day. Greene was but five miles away, and reached Salisbury in a dismal winter rain with a more dismal heart.

Disasters of Greene's retreat

The next morning Cornwallis pushed on in pursuit energetically. Entering Salisbury, he sent an advance to crush Morgan before reaching the Yadkin; but Morgan had taken the boats along on wheels and crossed the now swollen river, and the British had to cross far up at the Shallow Fords. The natural strategy was now to turn east and push between Morgan and the main body, which by later orders was advancing to Guilford; but that would let Morgan escape to Virginia, and Cornwallis was so anxious to cut off the whole force from it that he oddly persuaded himself Greene could not collect boats to cross the Dan below the fords. Accordingly he marched to these and then turned eastward down the river; while Greene on February 9 reunited his forces at Guilford. But Morgan had left the army; ostensibly from old rheumatism and ague aggravated by campaigning in wintry rains, and pretty certainly some unknown personal cause in addition.[1]

Morgan escapes across the Yadkin

Cornwallis grasps at too much

American forces united; Morgan retires

[1] Morgan's brother officers so thought. Lee as their representative made an urgent personal appeal at once to his patriotism and his pride

1781 Feb. 9-13

Greene had now 2036 men; 1426 Continentals, a few others as good. Cornwallis had 2440, the flower of the army; but Greene was anxious for battle, to prevent North Carolina and Virginia submitting in disheartenment, and hoped for large militia reinforcements now that their hearths were invaded. Not a man came, and his council of war unanimously advised retreat into Virginia. Cornwallis was equally anxious for a battle. The common idea that Greene had intentionally lured him to fight 150 miles from his base of supplies is indeed a fiction; but the situation was exactly that. He had destroyed baggage and wagons to overtake Morgan, and now had no transport and no means of obtaining more ammunition. But Greene had had Carrington collect boats weeks beforehand, and crossed on the 13th after marching eighty miles in three days, while Otho Williams with Howard, Washington, and Lee held back the British vanguard and Pickens harassed their rear; Lee that night as rear-guard ferried his men and swam his horses across; and Cornwallis, arriving the next day, saw his prey gone and no means of crossing.

Greene obliged to await reinforcements

Cornwallis' need for battle

Greene crosses the dam

This retreat of 230 miles in midwinter storms and bottomless clay roads, by a half-clothed and

(telling him as a last resort that it would be said that he was afraid of risking a reputation won by a lucky chance); and his obstinate refusal without giving any reason looks like strong personal dissatisfaction, when his patriotism had been so warm. He had quarreled with Sumter, but Sumter was in South Carolina. We suspect deep offense at Greene's leaving the main body to come without need and take over his command, robbing him of chances for distinction; aggravated by Greene's overriding his judgment as to plans of retreat.

1781 Jan.-March

Greene's able retreat

half-shoeless force in the face of a strong well-provided enemy, and the accompanying tactics, aroused the warm admiration of Cornwallis and Tarleton themselves, carried Greene's fame next to Washington's in this country even among his own subordinates, and have remained the admiration of military students.

Arnold in Virginia

Meantime Clinton had sent Benedict Arnold with 1700 men to replace Leslie; Arnold landed in December and raided the Chesapeake and up the James to Richmond, which he burned; but was driven back in January to Portsmouth, safe at deep water. Cornwallis could only join him by an immense circuit through the heart of Virginia, with Greene on his flank and rear and the militia in front, no transport and his ammunition wasting—an impossible thing; or by the Cape Fear to Wilmington and thence on by sea, abandoning North Carolina—which he had finally to do, but was not yet willing. The intermediate step was to let Greene go, and try to raise North Carolina. Accordingly he withdrew to Hillsborough harassed by Williams and Lee, arriving the 20th; issued a proclamation soliciting the loyal subjects of the King to repair thither, and refitted his force somewhat.

Cornwallis' dilemma

Draws back to Hillsborough

Greene was slowly gaining. The shirking of militia and the eternal State wrangles with Congress were heart-sickening, but Steuben's efforts and Cornwallis' approach brought in 1100 men by March 1, and 700 more were daily expected; Pickens had come in with a few hundred, and with

Greene reinforced

Lee was sent to scour Cornwallis' front and prevent any Tories from joining. Learning of 400 such coming in under Colonel Pyle, and Tarleton's advancing as an escort, they marched to attack the latter; meeting the Tories, they pretended to be Tarleton's men (Lee's uniforms being much like his), and were filing past along the road when Pickens' uniforms in rear exposed the cheat, and Pyle's men opened fire. The Americans returned it at arms' length, killed 90, wounded most of the others, and the rest dispersed. The other Tories on the way returned home, and Cornwallis' proclamation fell dead among the "dastardly and pusillanimous" loyalists.

1781 March

Pyle's band dispersed

Remaining Tories do likewise

Food growing scarce, Cornwallis the next day moved to Allamance Creek, the junction of roads from Hillsborough, Guilford, Salisbury, and High Rock ford on the Haw. Thence he made a swift dash to seize the latter on the 6th, and cut off the Virginia reinforcements for which Greene was waiting before allowing Cornwallis to force him to action, as well as Williams who was holding back Tarleton; but Greene and Williams by as rapid marches drew back across the river. Three days later the Virginians joined, giving Greene 4444 men, the largest number he ever had, though not over 1000 were disciplined regulars; and he advanced to give battle, reaching Guilford the 14th.

Cornwallis balked in cutting off Greene's reinforcements

Greene advances to Guilford

The Earl had drawn twenty miles back to Deep River: partly to raise the loyalists; partly to open communications down-stream with Wilmington,

1781 March 15

his half-way depot from Virginia to Charleston. He had 2213 men besides artillerymen—fully 2300, nearly all tried veterans. On the 15th the advance guards—Tarleton and Lee—met south of Guilford Court-House, and Greene at once formed his men. The court-house was on the brow of a hill sloping gently half a mile south to a brook; it was amid clearings ending 250 yards south along the Salisbury road in heavy woods and underbrush, interrupted near the brook by old cornfields both sides of the road. Greene placed the Maryland and Virginia brigades, the former now partly and the latter mostly new recruits, respectively left and right of the road just south of the court-house; the artillery in the centre; Lee's and Washington's cavalry on the rear flanks. In the woods 400 yards in advance, across the road, were posted the Virginia militia under Stevens and Lawson; part ex-Continentals as described, largely raw accessions. At the south edge of the woods, behind the fence that bounded the cornfield, and across the road, were stationed the two North Carolina militia brigades under Butler and Eaton; Kirkwood's Delaware battalion and Lynch's Virginia riflemen on the right, Lee's Legion infantry and Campbell's riflemen on the left, enfilading the enemy's advance from both flanks.

The battlefield

Greene's dispositions

Cornwallis' front line had Leslie on the right, Webster in the centre, Yagers and light infantry on the left. After twenty minutes' artillery play from four guns, it advanced at 1:50 P. M. The militia more than obeyed their instructions to fire

Cornwallis' advance

twice before retreating, made severe havoc in the British lines, and only withdrew when the Hessians climbed the fence; but their nerves were not trained, and their retreat soon became an entire dispersion. The flank riflemen stood their ground; but Leslie and Webster detached a regiment each to oppose them, filled the gaps with the rear battalions, and pushed on against the second line. The Virginians fought with grand stubbornness, and long checked the advance; but Stevens was disabled, Webster's detached regiment overbore Lynch and Kirkwood and came up, the British column forced the road and began to envelop the Virginian left, and McLeod planted a battery at the south end of the court-house clearing: the outflanked Virginians with Lynch and Kirkwood withdrew in fair order to the rear of the Continentals. Webster advanced against the First Maryland, but was killed and his men broken by a terrible volley; they finally rallied beyond a rear ravine on the left. His successor O'Hara sent Lieutenant-Colonel Stewart against the Second Maryland, mostly new accessions; with Williams himself present it broke and ran, the enemy capturing the two guns on its flank. Williams at once brought up the First Maryland, flung it on Stewart's flank, and drove back his battalion and O'Hara's main advancing body in hurried retreat, recapturing the guns; and along with Washington's cavalry hastened it down the slope.

1781 March 15

Militia break up, first regular line overborne

Regulars twice repulse British

First Maryland drives them downhill

The issue was in the balance. Cornwallis and Greene were personally directing every movement,

1781 March 15

and each came near capture. Stewart was killed in a hand-to-hand fight, O'Hara badly wounded. The Virginia Continentals had not come into action: if Greene could break the hard-pressed and retreating British lines with them, Cornwallis' army was destroyed, America perhaps liberated, Greene a world-hero—his coveted glory; but they were fresh recruits, and if they broke like others his army was destroyed, America prostrate perhaps beyond redemption, himself another Gates. He had no right to risk it: he drew off the best regiment of them under Colonel Christopher Greene, the hero of Red Bank, for a reserve. Cornwallis ordered McLeod's battery to open through the retreating Guards on the pursuing Americans; at the cost of slaying many of his own best men he forced the enemy back.

Guilford Court-House: Greene's hazardous choice

Chooses safety

All this time Lee and Campbell had held a large British body at bay. Seeing their total isolation they at last withdrew to join the main force, but were too late and could only reach it next day—their separatist heroism probably costing the victory of the whole; the British followed to join theirs, and did so. Cornwallis formed his line at the south edge of the court-house clearing for another charge; but he had already won, though not aware of it. His losses had been frightful, it is true: nearly a fourth of his army was gone—93 killed, 413 wounded, 26 missing, 532 in all; and the loss in officers was calamitous—11 killed including Webster and Stewart, 19 wounded including O'Hara and Tarleton. But he had 1600 to

Lee and Campbell lost to the battle

Cornwallis' costly victory

1700 infantry left, nearly all superb veterans, besides Tarleton's cavalry in reserve; while 1046 of Greene's militia besides his rifle corps and light infantry were off the field, he had lost 261 in the battle (78 killed and 183 wounded), had only some 400 regulars left including his cavalry and his mangled Virginia militia-Continentals, and only two small regiments to be trusted. A drawn battle was the best possibility and destruction the strong probability: he withdrew at half-past three, leaving his cannon and ammunition wagons because the horses were all killed. Yet after crossing the Haw in an all-night rain, and being joined by Lee and Campbell, he took up another position for resistance.

1781 March 15-18

Greene obliged to retreat

But Cornwallis soon gave over a feeble pursuit, and himself fled three days later in such haste as to leave his dead unburied and abandon his wounded; having the same day issued a gasconading proclamation claiming a "compleat victory," and offering pardon and protection to the submitting rebels. His victory was assuredly a shining one, and his soldiers had covered themselves with glory; but its losses stopped his progress none the less. With under 1800 men, and supplies running out, he was almost certain to be "Burgoyned" if he tried to force a way to the Chesapeake or even remained where he was, and must fall back on some base for safety and refitting. Camden and Wilmington were each about the same distance, 140 miles or so. But retracing his late march with Greene and the reheartened militia behind him,

Cornwallis draws back and flies

Has choice only of two retreats

1781 March-April

and Sumter and Pickens and the other mighty partisans in front, hazarded Ferguson's fate; and returning to South Carolina at all was definitively to abandon the ministerial plan and confine himself to holding down that province and Georgia, for a third attempt had no better chances than the two former. This was at best a deep personal humiliation and damage to his career, and very likely meant his supersession by Rawdon.

Cornwallis cannot return to South Carolina

The campaign might still be saved if the supplies had been sent from Wilmington sixty miles up to Fayetteville (Cross Creek), as ordered: that loyalist centre was a good post whence to persevere in recovering the province, and he hurried to it. At Ramsay's Mills on Deep River fifty miles forward, in lack of boats he knocked a rough bridge together, and crossed on the 28th only a few hours before Lee and Campbell came up—the van of Greene, who had started in pursuit the very next day, but was delayed by lack of horses and stopping to make cartridges. Cornwallis had no time to destroy the bridge, but Greene did not cross, and his adversary kept on to Fayetteville. No supplies were there. There was nothing to do but give up the North Carolina hope; keep on to Wilmington, and after refitting, proceed to Virginia by water; and with this small reinforcement to those already there or who might be added by Clinton, take up the dropped thread of the campaign. The English Liberals were quick to grasp the essential results of the battle: Fox asked what worse the army could have done if defeated than

Hopes from Cross Creek

Foiled

Retreats to Wilmington

it actually did when victorious—fly to the coast for safety?

1781 April

Cornwallis reached Wilmington April 7; on the 24th he wrote aggrievedly to Phillips: "My situation is very distressing: Greene took advantage of my being obliged to come to this place, and has marched to South Carolina." He had just heard that Greene was menacing Camden, and the people all in revolt around the northern posts: Greene was playing the game unfairly in not remaining to guard North Carolina and the Virginia border as expected. Greene in fact had so intended, and with most of his officers thought from first to last that Virginia was the true field of action. But the expiration of his Virginia militia's terms and the non-return of the North-Carolinians reduced his force to only about 1500, less even than Cornwallis', ending the hope of forcing the Earl to another battle and virtual destruction.

Greene purposes going on to Virginia

In this discouragement a new plan presented itself: might not North Carolina and Virginia both be cleared of Cornwallis without a fight? If Greene returned to South Carolina, Cornwallis must follow or lose it: true, he had held it and left it with Greene still there, but the posts grew less tenable every month with the spreading insurrection, he had missed the quick reduction of Virginia to enable them to hold out, and was disillusioned as to North Carolina. If he came back he gave up the grand campaign; if he did not he gave up South Carolina. But what if Cornwallis, knowing

Reasons for changing his mind

1781 April

Greene misjudges Cornwallis' plans

the reduction of the North must carry the South with it, kept on and severed the Virginia artery as Greene had feared, with the better chance that Greene and his troops were not there? Curiously, so confident was Greene that Cornwallis could not afford to imperil the fruits of the Southern invasion that he was utterly surprised and chagrined when it happened. To mislead Cornwallis and gain a start of his expected pursuit, he had Lee on April 6 proceed a day's march toward the Earl, then turn and hasten to the lower Pedee; himself on the same day taking the Camden road by the upper (Yadkin).

Returns to South Carolina

British posts there

The British had 7900 men in South Carolina and Augusta, but the largest single force outside Charleston was only 900 at Camden under Rawdon. Its communications with Charleston and Georgetown were kept up by Fort Motte at the Wateree-Congaree junction forming the Santee, and Fort Watson thirty miles farther down and ten above Nelson's Ferry. Most important next to Camden were Ninety-Six and Augusta, on which depended the control of northwestern South Carolina and interior Georgia. Their communications with Camden were maintained by Fort Granby at the Saluda-Broad junction forming the Congaree (near Columbia); of Ninety-Six with Charleston, by that and by Orangeburg on the North Edisto, twenty or thirty miles west from Fort Watson. Additional outposts were kept at the Cooper bridge above Monck's Corner, at Nelson's Ferry, and at Thomson's plantation on the

Congaree guarding the road from Charleston to Fort Granby.

1781 Feb.-April

During the past two months the partisan warfare had gone on with unceasing spirit, steadily undermining the British fabric. Sumter assailed Fort Granby February 19-21, and destroyed all the magazines and stores outside the stockade in face of Rawdon's whole force on the other bank; then, while Rawdon closed the passes north, marched swiftly south and burned the Thomson outbuildings; and on the 23d killed or captured nearly all of 80 regulars escorting twenty wagons of supplies to Rawdon, evaded Rawdon's corps and sent the stores down the river. A treacherous Tory pilot put Fort Watson in possession of them, boats and all; Sumter collected canoes, crossed, and assaulted it furiously on the 27th; but Watson had just come up with 400 men, Sumter was repulsed with heavy loss, and fell back to the Waxhaws. On the other hand, the battle of Mud Lick on the Saluda, March 2, wiped out a nest of British and Tory plunderers at Williams' Fort. March 24 Clarke and McCall, after several hours' desperate fight against Dunlap's band of 76 barricaded in Beattie's Mill on Little River, killed or captured the whole, and Dunlap was murdered by a guard that night for old grudges. Early in April Colonel William Harden, a capable partisan, now first having a fair band, ended a week's raid north of Charleston with about 100 men, by capturing Fort Balfour on the Pocotaligo with its garrison of 91.

Sumter's warfare

Mud Lick

Dunlap's end

Fort Balfour

1781 March–April

Meantime Rawdon had resolved to crush Marion, whose parties made every Charleston convoy require several hundred men for escort. Watson with 500 regulars and Tories, and Colonel (afterwards Sir John) Doyle with a regular regiment, started about March 1 by different routes to join and obliterate his camp. Watson was ambushed and cut up by Marion, who felled trees across the swamp causeways, destroyed every bridge and contested every ford, and at last held Watson for many days fairly besieged; thinned his men by outright pitched battle and cutting off detachments, and nearly starved him, till he gave up the advance, and late in March made his way into Georgetown with a fragment of his force and two wagon-loads of wounded. But meantime Doyle had effected the stroke at Snow Island, cutting the small guard to pieces and forcing them to throw the stores and ammunition into the river. Despite this dreadful blow, Marion chased Doyle for two or three days and forced him to destroy his baggage for a flight to Camden. But Watson had been reinforced by Gainey's Tories, and moved across the Pedee and Little Pedee with 900 men; and Marion with only two rounds of ammunition to a man had decided to fall back to North Carolina, when news of Lee's approach was received.

Watson and Doyle set out after Marion

Watson's bad failure

Doyle destroys Snow Island camp

Lee arrives just in time

Lee crossed the Pedee near Georgetown, and joined Marion's 80 men with his 280 April 14. Watson at the news threw his cannon into the creek, burned his baggage, and decamped circuitously for Georgetown. Marion wished to capture

April 14.

Watson decamps

his force or cut it off from Rawdon; but Lee judged it better to accomplish the latter aim, gain an imperative supply of ammunition, and be nearer Greene's move against Camden, by attacking Fort Watson, left by Watson's departure with only 120 men under Lieutenant James McKay. The next evening the investment was begun: but the water supply cut off from Lake Scott was replaced by the river through a fortified passage; and the fort was a stockade on an Indian mound thirty-five feet high amid a level plain, impossible to carry without artillery of which neither side had any. Marion sent to Greene for a piece, but before it came the fort was taken. South Carolina gentlemen were not classical scholars for nothing, and Colonel Maham of Marion's command perhaps remembered his Cæsar. Axes were borrowed from the farms around, quantities of timber felled and roughly squared for several days, and on the night of the 22d piled up crosswise into an immense tower commanding every part of the fort, with a log breastwork at the base to ward off sorties. Under cover of the deadly fire from the top, at daybreak a detachment began to pull away the abatis, dig away the mound, and fire the palings; and in a few hours McKay surrendered with much ammunition and other stores, including those lost through Sumter's perfidious pilot. Why Watson with his overwhelming numbers did not come to McKay's rescue, or why he ran in the first place, cannot be known. He now advanced cautiously to the Cooper and watched a chance to

1781 April 14–23

Lee and Marion invest Fort Watson

Maham tower built

The fort surrenders

1781 April

join Rawdon; but Marion and Lee moved to the High Hills of Santee, half-way from Fort Watson to Camden, and effectively commanded every road to the latter.

Greene manœuvres before Camden

Greene arrived before Camden the 20th. Much disappointed to find the place better fortified than in Gates' time, and too strong for his tiny force, he fell back and at length encamped on Hobkirk's Hill a mile and a half north,—a mild wooded elevation over which ran the Salisbury road,—hoping Rawdon would come out and attack him. Rawdon, however, though receiving on the 21st a body of loyalist militia from the Ninety-Six district, declined to do so; and Greene, having sent the cannon to Marion the more readily that two from Virginia were close by, moved southeast to mask its departure with an escort under Carrington part way, wrote to Marion to join and help invest Camden as soon as the fort was taken, and returned to Hobkirk's Hill, calling thither the escort. The truth is, Cornwallis' not following him had convinced him that his original judgment was right, and he meant to return to Virginia.

Camps at Hobkirk's Hill

Rawdon plans attack

Rawdon had learned of Carrington's march and its purpose from a deserter, and resolved to attack before either he or Marion could join or the Virginia guns arrive. He had armed every person in the garrison, including drummers and musicians, and made up 900 troops besides the loyalists; say 1100 to 1200 altogether, the majority prime regulars. Greene had 939 Continentals including the glorious First Maryland,—fondly

known as the "Tenth Legion" (Cæsar's),—and 254 North Carolina militia, 150 being volunteers of high grade. The opposing forces were thus about equal in numbers and quality, and there was nothing to make either side confident of victory except by some unforeseen accident; but Greene apparently had Cowpens in mind,—his dispositions even at Guilford suggest it,—and was sure of surrounding and destroying Rawdon as Morgan had Tarleton, also with equal numbers. But he had very different troops and a different commander before him; Morgan's tactics were an evolution from the fortunes of the field, against troops much weakened and broken by a long fight instead of fresh at the outset; and by a cruel mischance all the solid old stand-bys failed Greene at once, from death, panic, or misjudgment.

1781 April 25

Forces at Hobkirk's Hill

Cause of Greene's partial failure

Rawdon marched out on the morning of the 25th, drove in the skirmish line, and reached the hill about eleven. Greene had placed Hawes' Fifth and Campbell's Fourth Virginia on the right of the road, Gunby's First and Ford's Fifth Maryland on the left,—Campbell and Ford on the flanks; Washington's 56 cavalry were in reserve. Hawes and Gunby were closed across the road to mask the unsuspected artillery. As Rawdon advanced with a narrower front, Greene, after unmasking the guns and pouring destructive volleys of grape-shot into it, ordered Campbell and Ford to wheel on the flanks, while Washington made a circuit to take the line in rear; he led Campbell's regiment himself. But Rawdon promptly advanced

Rawdon's advance

Opening of battle

1781 April 25

and extended his second line and flanked the flankers; Washington, coming on Rawdon's medical and supply and non-combatant camp, wasted his time capturing and paroling this crowd, loaded prisoners behind his troopers and slackened the horses' pace, and never came on the field till too late; and for a crowning misfortune the "Tenth Legion," heroes of Camden, Cowpens, and Guilford, blenched.

Hobkirk's Hill: Washington's misjudgment

The Marylanders had expected to charge ranks disordered by artillery carnage; but the American British regulars swept solidly on. A little nervous, some began firing without orders; the much-trusted captain of the right company was killed, his men halted, the next two companies did so in apprehension, and hesitated to obey orders to go on; Gunby ordered the remaining companies, advancing bravely, to stop and fall back for the falterers to form on; but they mistook his purpose, and in a common panic the whole regiment hurried back over the hill, reaching the bottom before Williams, Gunby, and Howard could rally them. This left the Fifth Maryland isolated, and Ford being just then mortally wounded, it fell back also. Hawes' Virginians were left alone in the front line, and the artillery completely exposed; its loss would virtually efface the army for many weeks. Greene never showed better as a leader or tactician. He coolly withdrew Campbell's and Ford's regiments in good order and formed them on the now rallied Gunby's, and in face of the shouting British advance, himself seizing the drag-ropes,

First Maryland seized with panic

Fifth Maryland retreats

Greene saves a ruinous loss

his men rescued the cannon; covered by a heroic Maryland company, all struck down in doing it save a few prisoners. 1781 April 25 et seq.

At this point Washington came up and drove the British back. Greene could have renewed the battle; but he dared not trust the troops for a new struggle that day, and withdrew. Rawdon retired to Camden, leaving some cavalry to "occupy the field"; Washington ambushed and cut them to pieces and occupied it himself. The Americans lost 19 killed, 113 wounded, 136 missing—268; the British, 238 killed and 220 others—258. Hobkirk's Hill a half-drawn battle

Greene's disappointment was intense and lasting beyond reason: [1] he had done all that was fairly to be hoped, put nearly a quarter of Rawdon's force *hors de combat,* and assured his evacuation of Camden or a hopeful chance of capturing it with him inside. He seemed to contemplate this: ordered Sumter with all his force to join him, Marion to move up north of Camden, and Lee to rejoin; meantime he drew back to Rugely's Mill. But none of the three events took place. Sumter was so urgent for a free hand to assail the intermediate posts that Greene reluctantly assented, Greene more successful than he thought Subsequent movements

[1] He never ceased mourning a lost Cowpens, and insisted all his life that but for Gunby's stopping the advance, Rawdon's whole force would have been made prisoners—an idea without reasonable warrant. Rawdon's men showed no signs of breaking, which was just what flustered the Marylanders; Washington was not in their rear, and in fault if any one was; and if Gunby had gone forward with but half his regiment and it had been cut to pieces, he would have been held still more culpable. But Greene drove Gunby to demand a court of inquiry, which though approving his courage pronounced his order "improper and unmilitary," and he was taken from field service. With Greene so bitter against him there was no other choice.

1781 April–May

and even furnished him a cannon; and Greene must have forgotten that calling in the others would let Watson's 500 men into Camden, for the next day he revoked it—but Lee had already marched thirty-two miles, and turned back just too late to prevent Watson slipping through. Rawdon had now fully 1400 disposable men against Greene's 900, and marched to attack Greene, who had moved west across the Wateree; but Greene drew back to a post too strong to assault, and Rawdon returned to Camden.

Watson reinforces Rawdon

Who feels Greene's position

None the less, Rawdon's position was most alarming: his victory was not alone utterly fruitless,[1] but came near proving his destruction by holding him longer in a place rapidly becoming a trap. He had always protested against it, as weak in itself, on the wrong side of the river, covering nothing, and forever liable to have its supplies cut off; and had been directed by Cornwallis before marching north to retire on the Santee line, but delayed in fear of uncovering Ninety-Six to Greene's invasion. But there could be no more delay: with the partisans reinforced by Lee, and Greene to prevent Rawdon interfering

His own perilous one

[1] The British were under no illusions. Balfour wrote to Clinton that despite the victory their state was "most distressing," "the enemy's parties everywhere," land communication with Savannah no longer existed, Browne was invested at Augusta, Cruger "in the most critical situation at Ninety-Six, nearly confined to his works," and "the defection of the province is so universal, that I know of no mode short of depopulation to retain it"—evidently with his mind longingly on Acadia; but characteristically suggested making "striking examples" of those who violated their protections—as if the British had been doing anything else, and that had not brought about this very state of things.

1781 April-May

the entire line of mid-posts was on the point of succumbing, and not a convoy of supplies could reach him. Sumter, freed from Rawdon and Cruger, in a few days became master of the whole country from the Saluda to the Wateree, put down the Tory gatherings far and wide, and laid siege to Fort Motte and Fort Granby. Marion and Lee came up to the former, and Sumter left it to them and struck at Orangeburg.

Sumter's rapid conquest

Strangely enough, Greene was preparing to return to Virginia in utter despair; telling Davie May 9 that otherwise Cornwallis would establish a line of posts on the James, Rawdon would push himself to the mountains, and the Southern States would "die like the tail of a snake." The next day Rawdon burned his extra stores and baggage and began a retreat to Charleston; first ordering Cruger to abandon Ninety-Six (equally cut off) and join Browne at Augusta, and Major Maxwell at Fort Granby to fall back on Orangeburg —orders intercepted by the patriots with unlucky vigilance. The day afterward Fort Motte, the principal depot of the convoys from Charleston, surrendered with some 200 men after a four-days' siege, despite the approach of Rawdon who camped on the river opposite. It was an intrenchment around the ejected Mrs. Rebecca Motte's mansion, and she warmly approved firing the sun-parched roof and furnished some arrows to do it, reducing the heroic Lieutenant McPherson to submission.

Greene despairing

Rawdon retreats

Capture of Fort Motte

Greene arrived shortly after, sent Marion to attack Georgetown, and Lee to attack Fort Granby

1781 May 15 etc. which Sumter counted on soon reducing. Lee gained the surrender of this important post, with 340 defenders, on the 15th; but only by letting the greedy and not heroic commandant carry off the huge spoils he had looted for months from the surrounding country, in face of the very patriot militia they had been stolen from. He justified himself on the ground of Rawdon's approach; but Greene was approaching too, Sumter and his men were convinced that Lee had needlessly sacrificed their interests to add another capture to his own trophies, and Sumter sent in his resignation, which however was withdrawn. A misunderstanding of Greene with Marion about horses also brought about Marion's resignation, but Greene succeeded in placating him.

Bad terms to gain Fort Granby

General quarrel of patriot commanders

Rawdon was met by Balfour at Nelson's Ferry with a representation that the whole surrounding country was in revolt, and the garrison so disaffected that part of the loyalist militia had had to be disarmed and were ready to open the gates to the enemy. Nevertheless, reinforced by McArthur with 380 men, he proposed trying to relieve Fort Granby: but hearing the rumor—authentic news he could not obtain, so thoroughly had the partisans scoured the country—that Greene was pushing down the Congaree, he changed his mind and fell back to Monck's Corner; Sumter retarding his march by sweeping the district in his front of all horses and transport, clear to Dorchester near Charleston. Sumter was eager to have Greene, now with some 2000 men including

Rawdon's harassed movements

Sumter's raid in front

Marion's and his own and 220 new North Carolina levies, assault Rawdon's 1800 or so on the retreat and end the campaign; but Greene and all his officers held it impracticable, as Rawdon at worst could hold them at bay in the Santee swamps till reinforcements came up from Charleston. Greene decided instead to capture Ninety-Six and Augusta,[1] confining the British to the sea-coast, from which their now weak forces could not again advance far; then hasten to Virginia.

1781 May 15–21

Greene plans to reduce north-western forts

To prevent Cruger's escape to Augusta (which however Pickens barred), Greene sent Lee there in advance. Around it had already gathered several patriot bands wild for revenge on Browne, whose reign of terror in upper Georgia we have already described. Clarke and McCall camped in Georgia, but the latter soon died of small-pox; Pickens raised the Ninety-Six district. Lee arrived May 17. On the 21st the important outpost of Fort Galphin, twelve miles down the river on the South Carolina side, was captured (by making a feigned attack with a small party while the main body hid and rushed in) with its 130 men and its stores; besides the boats containing the annual British presents to the Indians,—arms, ammunition, clothing, blankets, salt, rum, and other much-needed articles.

Lee sent against Augusta

Fort Galphin taken

[1] It is a grotesque feature of this campaign, for which Greene was not blamable, that both Camden and Ninety-Six would have been evacuated without a battle but for the efforts to invest them, and the two bloody failures were pure waste. But as except for these efforts, Rawdon would have taken a stronger position on the Santee, and Ninety-Six could then have been held, it was necessary to make them.

1781 May–June

Augusta was defended by Fort Cornwallis under Browne, with 320 white men besides 200 negroes for fatigue work, and Fort Grierson just up the river under Colonel Grierson, with 80 men.

Investment of Augusta: Grierson's troop destroyed

Assailed on the 23d, Grierson retreating to the lower fort was intercepted by Clarke, and all his command killed or captured. Browne had attempted a diversion, but was driven back and Fort Cornwallis closely invested. In lack of rising ground, a Maham log-tower was piled up, and by June 1 overtopped the fort. Browne had made repeated sorties, and that night made another of bloody stubbornness, but was driven back. Then

Brownes' desperate struggles

he sent in a clever Scotch spy as a pretended deserter, who came within an ace of being stationed on the tower he had meant to burn. Next Browne mined one of the few deserted houses near by, leaving it and a companion standing while he burned the rest: the Americans promptly fell into the trap, and only a delay in filling it with riflemen saved these from being blown to atoms with it. All hopes

Surrenders

failing, however, on the 5th he surrendered. It had cost 23 patriot dead to kill 52 and capture 334 in both garrisons. The survivors were vigilantly protected from vengeance by the patriot officers, and Browne was soon exchanged and again in the field—removing to the Bermudas after the war; but Grierson, almost as fiercely detested, was murdered before any one could interfere.

Georgetown captured

The eastern outpost of British South Carolina fell with the western: Marion appeared before Georgetown on the 4th, and that night the garrison

evacuated it and took ship for Charleston, Marion leveling the works next day.

1781 May-June

Greene had left Sumter in charge of operations in the lower districts, and on the night of May 22 reached Ninety-Six with 984 men. Cruger had 560, 350 being regulars; and had strongly fortified it and laid waste the surrounding territory. Greene set to work vigorously, and by June 3 had two parallels completed with a mine and battery; and sent a summons to surrender which was defied. He was anxious: strangely enough, he had not expected works as strong as he found; the 550 Virginia militia whom Steuben at last sent him, out of the 1500 looked for, were stopped on their march by Jefferson as needed in Virginia; and he knew that three regiments from Ireland were on their way to Rawdon. Clinton had sent orders not to let them land at Charleston, but go straight on to Virginia: but his dispatch boat was captured by American cruisers and the orders never received; the troops arrived that very day, with bodies of Guards and recruits.

Greene invests Ninety-Six

Difficulties

Rawdon heavily reinforced

Lee with his cavalry had come in from Augusta, and Greene sent him and Washington to join Sumter; if Rawdon advanced into the country they were to call in Marion, strip the country of magazines, forage, cattle, and transport in the enemy's path, and bring them to a fight before reaching Ninety-Six. Not that Greene believed for a moment they would attempt that, and expose themselves to be "Burgoyned": he expected only a feint to make him raise the siege. But Rawdon

Greene sends troops to check him

1781 May–June

with Doyle's troops at Monck's Corner had now some 1900 infantry and 150 cavalry,—horsed by a subscription of the Charleston loyalists,—and on June 7 set out to relieve Cruger.

Cruger's splendid defense

That eminent gentleman, whose military resource and spirit have lost their due fame by being buried in a garrison, and his administrative talent by its petty sphere, met the strenuous efforts of the besiegers with dauntless courage and varied ingenuity. They tried to fire the roofs as at Fort Motte: he simply unroofed the buildings. They tried to fire the stockade as at Fort Watson: his vigilance discovered and nearly killed out the party crawling to the moat. They built Maham towers: he covered his parapet with sand-bags, leaving an aperture for his riflemen. At last they cut off the water supply: this was a staggering blow, but he sent out naked negroes at night, almost invisible, among the trees to the near rivulet, and kept the men alive. Just before this a messenger from Rawdon that he was advancing from Orangeburg in force had skillfully slipped through the American lines, and the prospect of speedy help gave them fresh courage. Greene heard of it also, but held to his old opinion, and wrote Sumter to keep in front of the British and enable their defeat without raising the siege. Not till the 17th did he grow alarmed, learning of their greater numbers than he supposed, and realizing their purpose.

Hears of Rawdon's relief march

Greene incredulous until too late

But the junction in Rawdon's front was now impossible: Marion was too far off, the Georgetown capture proving injudicious as hindering a

greater success; Sumter's second, Colonel Mydelton, was ambushed by Rawdon's cavalry and lost over 100 men. Greene's whole force with all the partisans was less than Rawdon's regulars: a battle could not be hazarded, and the only alternative to raising the siege was to storm the fort at once. This was undertaken the 18th, with desperate bravery and skilled preparation: fascines to fill the ditch, hook-poles to pull down the sand-bags, artillery play, tower riflemen. But Cruger received it with equal courage and skill: his loopholed sand-bags dealt out a storm of death, a bayonet charge killed or wounded two-thirds of a party who made a lodgment, and despite a success of Lee on one side the assault had to be given up, with a total loss in the siege of 185 killed and wounded against Cruger's 85. Greene retreated across the Saluda and Broad to Cornwallis' old position near Winnsborough; and Rawdon, who entered Ninety-Six the 21st, gave chase the 24th. But his troops, after marching thirty-seven miles in as many hours, in a broiling sun and heavy uniforms, gave out, and at the Enoree he halted and returned.

1781 June 18–25

Attempted storm of Ninety-Six

Repulsed

Greene retreats pursued by Rawdon

This fiasco seemed to have lost nearly everything the campaign had gained: not only had a month been wasted in the fruitless siege, but the northwest still and the centre again were in British hands. But they knew better: with the great recent losses of garrisons, despite the reinforcements (partly balanced by sending a regiment to Savannah), new garrisons in the old posts would strip Charleston with its unfinished works far

Fruitless British victory

1781 June–July

below danger point, besides the now ever-present fear of a French fleet and army on the coast; and even so, the posts would be as untenable again. Rawdon for honor and rescue had had to help Cruger repel his assailants; but he now gave orders to evacuate the district, except for a small party to support the loyalists if they felt able thus to maintain themselves against the patriots. They did not, and he left Cruger with 1300 men to provide for the deportation of them and their families to promised estates of proscribed Whigs. They were miserably disillusioned. The wretched caravan were thinned by malaria through removal from the hill districts to the lowlands, and driven from their new homes by older possessors or partisan bands; most of them gathered in a squalid suburb of Charleston, many emigrated to the West Indies, some crept back to their old homes and were kindly protected by Pickens. Cruger before leaving sullied his career by letting the Tories turn the Long Cane district largely into a smoking ruin, out of revenge.

Ninety-Six evacuated

Fate of the loyalists

Rawdon with 860 men retreated to Fort Granby and then to Orangeburg, harassed by Lee; there on July 8, occupying the brick court-house with covering buildings near, he was reinforced by Lieutenant-Colonel Stuart with a regiment from Charleston. Greene had now been joined at Fort Granby by all his detachments and partisans, and with 2000 men moved near to Rawdon hoping for an attack; but Rawdon was waiting for Cruger's rapid approach, the position was too strong to

Rawdon holds Orangeburg

assault, and Greene on the 13th drew back to the High Hills of Santee about ninety miles from Charleston to rest and refresh the soldiers, who were growing exhausted in the summer heat and fretting for other food than rice and the swamp frogs. Marion, Sumter, and Lee undertook a general raid around the posts outside Charleston; and though not accomplishing all that was hoped, partly from dissensions among themselves, swept in and destroyed a great mass of stores and transport, captured 150 prisoners, and in a sharp fight at Quinby Bridge near Monck's Corner forced the guarding regiment to retreat to Charleston, which it threw into panic by coming within five miles. By the last week in July they had rejoined, and the American lines ranged from Nelson's Ferry to Ninety-Six.

1781 July–Aug.

Main army rests, detachments raid

Rawdon was broken down by labor and malaria, and on August 21 sailed for England on leave of absence,[1] leaving Stuart in command; the vessel was captured by De Grasse's fleet, and Cornwallis found Rawdon a prisoner when he went aboard as such after Yorktown. Greene intended to remain in camp till cooler weather in the fall; but he was called into earlier activity by the grand operation coming to a climax at the North, to

Rawdon leaves and is captured

[1] First with Balfour hanging Colonel Isaac Hayne, another citizen driven to break his parole by British bad faith, and captured in July during the partisan operations. It was no worse than many other murders, legally justifiable but morally neither just nor politic, perpetrated on political grounds in this civil war; but the victim's position brought it home as none other had been, the British commanders were surprised and vexed at the storm of denunciation it brought on them, and they shuffled a good deal in evading the responsibility.

1781 Jan. which we must now return, having far anticipated chronology.

When the year opened, the hour of doom appeared to be striking for the American army. We

Great mutiny of Northern army have mentioned the mutiny of the Connecticut troops some months before, from deadly hardship and felt injustice. Now a part of the Pennsylvania line at Morristown, enlisted for "three years or the war," claimed discharge on the ground that the three years was the maximum in order to save immediate disbandment after hostilities closed, when they might be needed for public order; the officers naturally held it the minimum, and their term as running till peace was signed, as the withdrawal of most of the veteran soldiers would nearly end hope. On New Year's Day 1300 of the troops, largely recent Irish immigrants, under their sergeants with a sergeant-major as commander, broke camp in good order, took along six cannon, and started for Philadelphia to force compliance out of Congress. Wayne tried to stop them; they would not listen even to him, defeated with some bloodshed an attempt to check their march; and halted at Princeton, to see what effect the threat would have.

It had all they desired. Lafayette, St. Clair, and Laurens were snubbed and sent away; Wayne

Officers defied and two colonels who had followed them were allowed in the camp but without authority; Washington could not leave his post in face of the enemy; but a committee of Congress with President Reed came up as far as Trenton, and there

wrote to Wayne for an interview outside the camp, as they could not run the risk of being flouted like Washington's aides. Meantime Clinton had crossed to Staten Island with a body of troops to back the mutiny, thinking this the climax of what Arnold's attempt had begun; but as in Knyphausen's case, he succeeded only in restoring the men to their right mind. They had not set out to sell their country, and two emissaries he sent among them were given up and hanged as spies. This heartened Reed to come in, and he was treated with respect; and Congress granted the claim of the three-years' men, agreed to pay (in paper) and clothe them, and to give the rest six weeks' furlough. Mutiny thus being accorded everything it had asked, on the 29th a part of the New Jersey troops at Pompton followed the example, as Washington had feared; but this meant the dissolution of the army, and Washington put it down with a swift blow of a Massachusetts brigade from West Point, two of the ringleaders being shot.

1781 Jan.–March

Clinton's hopes from mutiny dashed

Pennsylvania mutineers succeed, New Jersey ones fail

This was in large degree a part of the paper-money chaos and wreckage; but that experiment was on the point of closing, with a mass of valuable but dear-bought experience to the good. On March 16 the "new tenor" bills were finally abandoned by Congress like the old, and no further issues of any tenor were made; a little over $242,000,000 in all having been put forth, of which $73,000,000 was never redeemed. All debts were made payable at current exchange between specie and paper, and the States were again recommended to repeal all

Close of paper-money experiment

1781

End of forced legal-tender paper

forcing laws. As the French loans had now furnished a moderate stock of specie, business no longer needed the help of paper. On May 1 it was officially rated in Pennsylvania at 175 to 1; which the people correctly interpreted as infinity, and treated the notes as waste paper. Philadelphia held a public celebration of the "obsequies": a barber-shop was papered with it; a dog was tarred and covered with it and led through the streets; and men wore cockades of it in their hats. Rhode Island held a mock burial of it, though the majority there clung to State paper and forcing laws almost to civil strife. It is needless to say that those whom business had loaded with it or whose savings had gone into it took less part in the jubilation. The State paper currencies sank too, but not so far: Virginia paper was worth 40 to 1 when Continental was rated at 2400 to 1 as a chance.

Articles of Confederation: chief object

A fortnight before the discontinuance of this experiment was begun another—that of a common government organized with the express purpose of not governing. The States were more afraid of each other than of England; and the primary object of their formal federation was to resist not her, which after a fashion they were doing without one, but one another, and remain independent sovereignties while yet forestalling the mischief they might do each other as such. Hence they drew up a scheme which for intentional and jealously fortified impotence has perhaps no parallel in history except the Diet of Poland, whose fate the republic was saved from sharing only by its position. The

1781 March 1

Articles of Confederation: the States

only powers surrendered by the States were those of secession and nullification,[1] making war or treaties (inter-State or foreign), maintaining regular armies, granting titles of nobility, and denying mutual citizenship or extradition; the prohibition of customs duties infringing treaties under negotiation was neutralized by a provision that no treaty should debar States from laying duties, even prohibitory ones, binding on their own citizens. The Congress of one chamber was composed of State delegates elected annually, subject to recall at any time, and voting by States, one vote for each State; seven of which were the minimum quorum for any action except adjournment from day to day, and nine for important treaties or a Committee of States during a recess.

Congress

The units of government were therefore the State legislatures, whose delegates were their mouthpieces controlled itemwise, and by recalling or not appointing whom a minority, often a small one, could at any time stop all governmental action. At best such action was confined wholly to giving the States orders which they could disregard at will; the only power of enforcement against neglect or nullification, or even secession, lying in a request to other States to make war on them, which would never be done. There was no power even of giving commands to individuals, much less of making them obeyed. Congress could not enforce

Its impotence

[1] "The Union shall be perpetual," the States bound themselves to obey the votes of Congress, and the articles could be altered only by its vote unanimously confirmed by the State legislatures.

1778–81

Articles of Confederation: impotence of Congress

the laws or treaties, nor raise an army or navy to carry on the wars, nor money to pay the appropriations or loans, it was empowered to make or create; its financial resources were limited to requisitions on the States, which were to lay taxes to provide them. It was to be arbiter of boundary or territorial disputes between States, but they need pay no attention to its decisions. In a word, it had a monopoly of the right of issuing edicts for national action, and the States a monopoly of the power to make them good.

Western lands cause slow acceptance

Ten States signed this instrument in July 1778; but the question of the western lands very rightly made the others hesitate. If the charter limits of each were conceded, some would be immense empires, others powerless dwarfs; and New Jersey, Delaware, and Maryland insisted on the unsettled lands being devoted to the common good, as won if at all by the common sacrifices. The first two yielded within a year, with a protest and in reliance on the ultimate fairness of the others; but Maryland hung back two years longer, till New York ceded her claims to the whole northwest, and Virginia's similar action was certain—signing March 1, 1781.

Maryland's useful contumacy

Wretched working of system

The working of the system was everything evil that could have been theoretically deduced from it. The eight years of its continuance are the most scandalous in outside relations, and among the most discreditable internally, of any in our history. So anarchic were the conditions, that all Europe and many American public men looked confidently

for the republic's speedy falling in pieces, and a fresh European struggle for repossession of them. The ablest men shrank from wasting their talents in this government of talk without action, issuing orders in the air, and thought State careers the best field for ambition. The Articles provided for a maximum of ninety-one delegates, seven from each State; but the attendance was rarely over thirty, and the ratification of the treaty of peace with England was delayed till January 14, 1784, because representatives from nine States could not be gathered earlier, even then only twenty-three being present.

1771–9

Slack attendance at Confederation Congress

The requisitions of Congress on the States for money were sometimes refused and always delayed, rarely honored in full and never on time, commonly but in small part and long in arrears. Both the interest and principal of the debt were heavily defaulted; and as we shall see, the soldiers were left unpaid, unclothed, even unfed, under the new system as under the old, till fear extorted what justice could not. The treaties made by Congress were trampled under foot by States and individuals on our part, and by foreign countries in turn on theirs; and these latter ignored the powerless Congress and offered separate treaties to the States, in defiance of the Articles of Confederation. American commerce was shut out from the markets it held before the Revolution. The British government refused to surrender the northwestern forts on the pretext of the States having refused to keep the article of the treaty of peace relating to the

Orders not obeyed

Injury to America

1781 et seq.

loyalists—though it knew quite well when signing it that such would be the case; so that the settlers in the northwest were subjected for twenty years longer to the usual atrocities of Indian warfare, certainly not checked and not impossibly abetted by the British commandants. Even so, State fear of neighbors and popular fear of monarchism and aristocracy made a stronger government hopeless, till an insurrection in Massachusetts overthrew civil government for months in a large part of it, and proved that there was actually no power in the country to preserve permanent public order, as the States would not allow Congress to do it and could not do it themselves. All that can be said for the Confederation is, that its miserable practical working was absolutely indispensable to gain the country's consent to anything better: John Adams said the Constitution was "extorted from the grinding necessity of a reluctant people."

Articles of Confederation: hard to change, despite evils

To return: the longed-for severance of the English armies from their home base had come at last. If the English retained control of the seas to guard their coast holdings and replenish their armaments, they would wear out America unless France far increased her aid; but in 1781 the European combination against Great Britain wrested that control from her—only for a few months, but those months secured American independence.

England temporarily loses control of sea

This combination was directly brought on by the power which England's sea-control gave her to cripple all commerce but her own, under color of mediæval international law. By this system,

Causes

any power at war had a right to cut off its rival's supplies by forbidding any other power to furnish them, and might search neutrals' ships for them. The excuse was, that it shortened wars; the reason in part was, that the great powers forever at war were not disposed to let the bystanders fall heirs to their lost trade, which their wars temporarily checked or turned into other channels. The small and peaceful states, therefore, were robbed and kept under by the large and warlike ones without redress; but as peaceful trade became an interest outweighing war, and one country grew irresistible, the old rules became a menace to the growth and safety of all the rest of the world.

Contraband under international law

Growing objection —ableness

The overthrow of the French marine in the Seven Years' War had definitively changed the balance of sea-mastery in Europe: France had long been the only country capable of even pretending to contest it with England, and when the American War opened, England rode rough-shod over every other power that had a ship on the sea. No country might trade with America, or with France or Spain after those had joined America; the vessels of all Western Europe were overhauled and robbed all over the ocean,—especially the chance was seized to plunder the Dutch, England's chief rival in ocean commerce,—and their officers always treated with that overbearing insult which added to the satisfaction of the searchers. With sagacious foresight, Frederick the Great in 1752 had advocated the now accepted principle that "free ships make free goods," abolishing the

As profiting only England

Excuse for pillage and insult

1778-80

right of searching neutral vessels; and in 1778 France proclaimed her adhesion to it. But the one power which chiefly profited by the old rule was sure to fight the new one to the death, and Vergennes planned a great alliance of neutral powers to enforce it.

Catherine II. of Russia, from combined liberalism of ideas and commercial interest, spurred by a gross outrage on her merchant vessels by Spanish cruisers, proclaimed the new doctrine on March 8, 1780, except that arms and ammunition were to remain contraband and liable to seizure on search; with the addition that blockades must be actual and not paper—England having asserted that by its position alone it blockaded the English Channel. France, Spain, and the United States at once acceded. Catherine also formed a league called the Armed Neutrality with the Baltic states, to retaliate seizures of or outrages on their vessels; and within two years all the neutral states of Europe had joined it. England was furious, but dared not add Russia to its enemies, and its power for harm was greatly hampered; but it resolved to take vengeance and crush its rivals the Dutch, as well as cut off a chief source of American supplies, all at once. To do this openly on the ground of the Netherlands' joining the Armed Neutrality,—into which they were being driven by the pillaging of their commerce, despite the treaty of 1678 with England distinctly allowing each country to trade with the other's enemies,—would mean war with the league: a pretext must be found.

Catherine of Russia limits right of search

League of neutrals formed

Pretext for English war on Dutch

921
STEVENS'S
NO 8 MILE
6 Oct. 1780

David Viscount Stormont
one of the Lords of His Majesty's
Most Honourable Privy Council
and Principal Secretary of
State &c. &c. &c.
Wills Earl of Hillsborough
one of the Lords of His Majesty's
Most Honourable Privy Council,
and Principal Secretary of
State &c. &c. &c.

These are, in His Majesty's Name, to
authorize and require You to receive into
your Custody the Body of Henry Laurens
herewith sent You charged before Us upon
Oath with High Treason, committed at
Philadelphia in the Colony of Pennsylvania,
in America, and on the High Seas; and
You are to keep him safe and close, until
he shall be delivered by due Course of Law:
And for so doing This shall be your Warrant.
Given at Whitehall the Sixth Day of October
1780.

Stormont.
Hillsborough

To the Lieutenant of the Tower
of London, or his Deputy —

COMMITTAL OF HENRY LAURENS TO THE TOWER
ON VISITING LONDON.

A grossly impudent one was made in October 1780, when the vessel carrying Henry Laurens to The Hague to negotiate a loan was captured off Newfoundland; his papers included a draft treaty of commerce between the Netherlands and the United States, secretly drawn up two years earlier and signed by Van Berckel the pensionary of Amsterdam. As neither country had accepted it, it was no public document; but it answered for an excuse. Laurens was consigned to severe imprisonment in the Tower, and Holland ordered not only to disavow Van Berckel but punish him and his accomplices as disturbers of public peace; the ambassador was secretly directed not to make the demand unless Holland officially voted to join the Armed Neutrality, which it had not done. In November it did so; the States-General disavowed Van Berckel, but refused to punish him without trial of the nature of his offense; England demanded his punishment at once, and declared war December 20 without waiting for an answer, revoking all treaties on this ground and other unfriendly acts of the Dutch—harboring Paul Jones figured prominently.

1780 Oct.-Dec.

Proposed U. S.-Dutch treaty

Used by England as pretext for war

Four days previous even to this, it had sent orders to Admiral Rodney at Barbadoes to wipe out at once the Dutch settlement on St. Eustatius, the West India island which was the chief seat of the United States trade with France and the Netherlands. Rodney said it was the sole support of the rebellion, and had done England more harm than all her enemies. He and General Vaughan,—

Sends Rodney to extirpate St. Eustatius

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1781-3

who commanded the 5000 land troops sent with Rodney from New York by Clinton,—arriving February 3, 1781, executed their orders like freebooters; their zeal sharpened by Rodney's pressing debts which had once driven him into exile. They confiscated not only all the public stores but every piece of private property on the island, even that of the English merchants and residents; all the goods were auctioned off in the other West India islands, more than $20,000,000 worth, and the penniless residents ordered off the island. The government praised and honored Rodney for this performance, against the indignant remonstrances of the Liberals. It is the admiring compatriots of this buccaneer who term Paul Jones a pirate.

Rodney's piracy at St. Eustatius

Probably the gain of Great Britain by this piracy was more than offset, so far as the colonies were concerned, by the rapid accessions to the Armed Neutrality which this affair stimulated through Europe. Frederick joined it in May and the Empire in October, their official action discounted by their practical conduct long before; Portugal and Turkey the next year, and Naples early in 1783. Meantime the French government had put forth a supreme effort; partly from hope of dividing the English sea-domination with her in equal shares at least, partly in anxiety and impatience to end the war-cost which was draining her life-blood.

Strengthens Armed Neutrality

Great French effort

English hopes in fact were kept up by the knowledge of the exhaustion and internal dissensions of the allies, which more than matched her

own. Vermont was so resolute not to admit the claims of New York, that her leaders were carrying on active secret negotiations with the English to be annexed to Canada—doubtless feigned ones to force Congress into admitting its statehood, but the English did not know that. Charles III. of Spain said the war was only for French ends, and Florida Blanca called himself a fool for ever advising it; both had supposed the war would last not over one campaign. Louis XVI. was sick of the war, and declared it must end within the year; the French debt had risen above $600,000,000, and bankruptcy was imminent; Paris was clamoring for peace; so were some of the most influential ministers, with the sympathy of the King. Necker and Maurepas secretly sounded the English for terms, the former proposing the *uti possidetis;* Florida Blanca did the same for Spain, and Louis approved it: with these tokens of their foes' beginning to give way, the English might well take heart. Vergennes almost alone was inflexible that there should be no peace but on honorable terms; and in opposition to Spain, which wished the United States to remain tributary to Great Britain or in anarchy, he adhered firmly to the obligations of France to gain full independence for the United States if they insisted on it. He urged on them, however, a twenty-year truce with South Carolina and Georgia left in British hands, and tried to call in the Empire for a mediator.

1780–1

Vermont plays for its own hand

France and Spain tired of war

Vergennes firm for honor

The French hope was to strike down the English power at once in the East and the West; in

1781 Jan.–March

India to confine it to Bengal, in America to wrest away all the English West Indies for France and free the continental colonies. For the two latter, in the early spring of 1781 the finest French expedition of the eighteenth century, perhaps, was dispatched under Count de Grasse; it was to conquer the crown jewel, the island of Jamaica, and co-operate with Washington and Rochambeau on the North-American coast in July or August. De Grasse had twenty-eight ships of the line and six frigates, mounting over 1700 guns, and carrying land forces and crews of some 20,000 men; the British had in American waters but nineteen ships of the line and some frigates, with 1400 guns and 13,000 men. This superiority could bar off succors to the chief English forces in the United States, while they were driven or held to the waterside and compelled to surrender.

De Grasse's great expedition

American hopes

Even before this, English necessities had drawn the blockading fleet from Rhode Island, and released the French vessels and Rochambeau's corps; and Washington had attempted a like use of them on a smaller scale, by cooping up and capturing Arnold in Virginia. Lafayette with some 1200 men was sent down, to strengthen the State militia; a French detachment and the fleet, now under D'Estouches, sailed to the Chesapeake. But Arbuthnot with 2000 men under Phillips was on his way from New York, and overtook the French fleet off the capes; and after an hour's engagement the latter drew off and returned to Newport. Phillips, arriving March 26, took the chief command

Premonition of Yorktown

Fails

in Virginia and renewed the campaign of ravage there.

1781 March–May

Lafayette approved himself, as always in the Revolution, a spirited and competent general, an inspiring leader, and a generous man. He was now on the Susquehanna, and gave his New England troops who dreaded the Southern climate leave to go North; but not a man left him. He clothed them with a £2000 personal loan at Baltimore. Arriving at Richmond by a forced march April 29, the evening before Phillips reached the opposite bank, he was joined by Steuben with the militia and held Phillips in check; though Wayne and the Pennsylvania troops, also sent on, were held back for equipment, while Clinton ordered the Irish regiments brought to Phillips. The latter died of malaria May 13, and Arnold succeeded him; but Lafayette refused to hold any communication with a traitor, even to effect an exchange of prisoners. A week later, however, Cornwallis arrived and ordered Arnold back to New York.

Lafayette goes South

Operations in Virginia

Cornwallis arrives

Washington's natural wish was to use the French assistance to reduce New York, where still lay the bulk of the British forces, whose capture and the repossession of the great central port would end the war; but there was the possibility that as with D'Estaing, the harbor bar might stand in the way. If so, the alternative was to repeat the stroke at Arnold against the enlarged British army in Virginia, destroying the body intended to take Washington's army in the rear. De Barras, Ternay's successor, arrived at Boston May 8

Washington's plan for French help

1781 May–June

with some 1500 reinforcements and more war vessels. On the 21st Washington met Rochambeau and Chastellux at Wethersfield, Connecticut, and arranged to have the French army come to the Hudson, to be at hand when De Grasse should fix a rendezvous and time; and in June they left Newport. Clinton assumed that the movement was against New York, and at once ordered Cornwallis to send him 3000 men from Virginia, as he was to be attacked by over 20,000. He wrote that there was no possibility of re-establishing "public order" (British) in Virginia, the disaffection was so universal; and directed Cornwallis to take up some defensive position, at Williamsburg or Yorktown or other healthy spot, and wait.

Rochambeau takes his force to the Hudson

Clinton orders Cornwallis back

Cornwallis on arrival had at once mounted several hundred men of his over 7000 with the prime horses the State would not let Greene have, and started in pursuit of Lafayette; writing to Germain, "The boy cannot escape me." But Lafayette eluded him and was joined by Wayne June 7; then hung on Cornwallis' rear, but was not able to prevent a frightful devastation exceeding Arnold's. Camping at Jefferson's plantation of Elk Hill on the James, Cornwallis sent Tarleton and Simcoe to lay waste the country and disperse the patriot government. Tarleton rode seventy miles in twenty-four hours to seize the Legislature bodily at Charlottesville; but Jefferson and most of the members had escaped over the Blue Ridge. Simcoe was foiled in trying to seize Steuben's magazine; but Tarleton and his chief made an end

Cornwallis' ravage of Virginia

Tarleton foiled in seizing Legislature

of stores, crops, buildings, cattle, far and wide, destroying all they could not carry off; £3,000,000 sterling was obliterated. 1781 June–July

Yet nowhere did the British government possess more ground than was within easy stroke of Cornwallis' army; there was no loyal section, though there was a great tired and indifferent one: politically Clinton was right. He was not less so from a military standpoint in his policy of waiting and wearing out the colonies, letting their vanishing army disappear of itself: Cornwallis' energy was simply wasting British armies and making no gain. But Cornwallis was astounded and incensed: wait for what, and with what purpose? With Clinton doing nothing in New York, himself doing nothing in Virginia, and South Carolina being rapidly lost, how was England ever to gain any advantage? He could not disobey, however, and moved toward Portsmouth with Lafayette and Wayne pressing on him; the latter July 6 forced him to a fight at Green Springs farm, eight miles from Jamestown, where each lost about 120. Cornwallis sent Tarleton on another raid, and remonstrated with Clinton: a defensive post on the Chesapeake could not affect the Carolina warfare, only afforded the British "some acres of unhealthy swamp," and was "forever liable to become a prey to a foreign enemy with a temporary superiority at sea"—sound prophecy. He asked to turn over the command to Leslie and go back to Charleston.

Clinton right as against Cornwallis

Cornwallis retreats to the coast

Remonstrates

Clinton still pressed for the troops; but letters from Germain and a reinforcement of 3000 men

1781 July

caused him to countermand the orders. Germain was peremptory that "the recovery of the southern provinces and the prosecution of the war from south to north" were "the chief object of the campaign," and he would not have Virginia occupied merely by troops enough to garrison the posts; praised the rapidity of Cornwallis' movements, praised Clinton only for sending troops to Virginia, and said Rodney would take care of De Grasse. Clinton therefore ordered the Chesapeake held from some station at York peninsula or Old Point Comfort, but not on the Elizabeth River—strangely, as it was the only one allowing a retreat to the Carolinas if blockaded; and Cornwallis' engineers fixed on Yorktown and Gloucester on opposite sides of the York River. Yorktown is at the narrow spot where the peninsula dividing the York from the James is but eight miles wide. Cornwallis disliked the entire plan, but obeyed, evacuated Portsmouth, and fortified the new place to the utmost. Lafayette posted himself at Malvern Hill on the James, and wrote jubilantly to Vergennes that Cornwallis had given up his post at Portsmouth whence he could communicate with Carolina, and taken position at York; very advantageous while he had the naval superiority, but if that became the allies', the army's success would compensate it for all it had endured. "They say you are about to make peace: I think you should wait the result of this campaign."

Germain orders Virginia held

Cornwallis fixes on Yorktown

Lafayette rejoices

Washington had Lincoln lead an experimental but fruitless assault on New York the night of

July 2, and Rochambeau wrote De Grasse to come thither if he thought he could get his heavy ships over the bar, otherwise to the Chesapeake. On August 14 came the answer that he was to leave the West Indies with his entire fleet August 3, and would call at the Chesapeake; but must return by the middle of October, and any operations must be undertaken quickly. This barred out a siege of New York, from its great stores and strong works; and Washington at once gave orders to move the army across the Hudson. Clinton with 18,000 men allowed it to be done without molestation on August 19-24, and a march through New Jersey begun: feeling sure it was only to bring around the troops to Staten Island for investment of New York. His Hessian commandant at King's Bridge reported over and over that the movement was evidently against Cornwallis; Clinton insisted that it was a stratagem. Washington took with him about 2000 American and 4000 French troops, leaving 4000 under Heath at West Point, and Stirling with a small corps at Saratoga to protect the Canada side.

1781 July-Aug.

Washington decides to cut off Cornwallis

March begun

Washington was still in fear lest Cornwallis should effect a retreat to Charleston and resume the campaign there in full force; and urged Greene to forestall it by striking down the forces outside of Charleston, so as to be free to cut him off. Greene accordingly broke up his camp at the High Hills of Santee on August 22, and moved against Stuart, who had advanced some miles from Orangeburg toward the Congaree; but the flooded

Greene asked to forestall escape

1781 Aug.–Sept.

Wateree swamps obliged him to ascend to Camden and descend, and it was the 28th before he came opposite Stuart. The latter had a convoy coming from Charleston, feared to divide his force for its protection, and hastily drew back forty miles to Eutaw Springs just below Nelson's Ferry; where the high, bluff, thicketed bank of the creek receiving the springs and running to the Santee helped make a strong position in the woods. Unable now to force a battle, Greene advanced to Fort Motte, with Lee and Pickens sent ahead to watch movements; then, hearing that Stuart had halted and been reinforced, himself halted, called in Marion, and with about 2000 men against Stuart's 2300 moved forward to fight, assailing Stuart's position on the morning of the 8th.

Greene and Stuart manœuvre

Battle at Eutaw Springs

The contest which ensued was one of the most fiercely contested pitched battles of the Revolution; and as it happened, the most useless, though but for Cornwallis' capture its drain would have been another British calamity. The armies were as well matched in quality as at Hobkirk's Hill. The patriots were strong in the superb ability of their leaders—Greene, Otho Williams, William Washington, Lee, Marion, Pickens, and others (Sumter was absent); but Stuart had Cruger, Marjoribanks, and other fine officers. The Continental veterans and the grizzled partisans were a full match for the British regulars; and in another respect the two regular forces were grimly alike—each was recruited heavily from the deserters of the other. The British gained most from

The forces

this exchange, obtaining American marksmanship with British discipline. But the chances were of a costly drawn battle. 1781

The ground as usual was in the woods. Stuart had the strong defensive advantage of resting his right flank near the creek, prolonged by a battalion under Major Marjoribanks obliquely along the bank to where it turns northwest, leaving the attacking left wing open; the main body lay across the road to the river parallel with the creek; the left flank open, but protected by a strong body of infantry and cavalry under Major Coffin. From the road some distance in the rear forks another, running to Charleston via Monck's Corner. From just in rear of the lines to this branch road extended a great cleared field, amid which lay the British camp; a little north of the forks and in the rear of the camp was a two-story brick house, with a picket-fenced garden thence to the creek. Greene's front line was Marion's volunteers on the right, Pickens' on the left, Colonel Malmedy's North Carolina militia in the centre; the latter new men under a French officer. Lee's Legion covered the right flank; Colonel Henderson with the State troops, half cavalry and half infantry, the left. The second line was all Continentals: Sumner's North-Carolinians on the right, Williams' Marylanders under Howard and Hardman on the left, Campbell's Virginians in the centre. Washington's cavalry was in reserve. There were two cannon to each line, an artillery force about equal to the British.

British position at Eutaw Springs

Greene's dispositions

1781 Sept. 8

The Americans met and captured a foraging party of 100 or so, drove in the skirmishers, and a stubborn and death-dealing struggle of artillery and musketry began. Both their front-line cannon were dismounted, and one of the British. The partisans on the wings advanced unflinchingly while their comrades dropped around them, and pushed back the British; but the latter drove the American centre by a bayonet charge, and the wings thus outflanked retreated. The British right extended beyond the American left, and vice versa; and Henderson, his troops galled aslant and broken by Marjoribanks' fire, was severely wounded and succeeded by Colonel Wade Hampton, who with Polk and Mydelton rallied the men. The front line finally exhausted its ammunition and withdrew to the rear.

Eutaw Springs: opening of battle

American militia driven back

The Continentals now assumed the brunt, and Sumner's brigade was gradually overborne. The British in their exultant advance broke their order: Williams' Virginians and Marylanders, with Hobkirk's Hill to efface, poured in a fire at forty yards that thinned them heavily, then rushed forward with the bayonet and drove their left in disorder backward, while Lee charged its flank and kept it broken. Cruger and the British centre stood their ground manfully; but, now outflanked and decimated by a withering fire, gave way in turn. Of the whole British line, only Marjoribanks unyieldingly kept his natural intrenchment; and as he held back the American left while the right and centre pressed forward, the two armies swung

And regular right

Nearly entire British line repulsed

around his battalion as on a pivot. Washington was ordered to dislodge him; but was wounded and captured, a large part of his command struck down also by a terrible volley. The survivors with Hampton and Kirkwood's Delawares, after a protracted and furious combat, at last pushed Marjoribanks out of the thickets; but he still held the line of the creek, with his left on the picketed garden.

1781 Sept. 8

Obstinate fight along Eutaw Creek

Stuart's main body was in full retreat toward the near river, leaving two cannon behind; the fate of Ferguson or Burgoyne seemed imminent. But in a moment the hard-won American victory was turned into a shameful defeat in a way unexampled in the war, perhaps because no other such occasion presented itself. The retreat was through the British camp. The tired, hungry, thirsty, and ragged Continentals perhaps thought the victory won; perhaps welcomed the tents as the only shelter in the open field from the storm of bullets pouring out of the house, where Major Sheridan covered the British withdrawal; and utterly broke up to sack the stores of food, drink, and clothing. The officers who advanced found themselves without soldiers, and targets for a murderous fire. Lee's Legion alone, far on the right, escaped the lure and nearly entered the house with the fugitives. Coffin drove it back and charged the dispersed troops among the tents; but Hampton, called up to cover the retreat which Greene was now compelled to order, repulsed Coffin, though dreadfully cut up by a fire from Marjoribanks.

General British retreat

Americans break up to sack British camp

Lee and Hampton save destruction

1781 Sept. 8 et seq. Eutaw Springs: American rout checked

The latter sallied out and recaptured the British cannon, which had been brought up to batter down the house, but nearly all whose American artillerists had been killed or disabled by its fire; then, reinforced from it and the garden, drove the infantry in rout to the wood, where they rallied and he dared not follow. Greene withdrew a few miles and encamped.

Losses

The losses on each side were terrific, toward a third of the entire force. The Americans lost 139 killed, 370 wounded, and 45 prisoners and missing —554, of whom 61 or *one-ninth* were killed and wounded officers, 21 dying on the field. Pickens and Howard were among the wounded. The British lost 85 killed, 351 wounded, 247 prisoners and missing—683, among the fatally wounded being the gallant Marjoribanks. Stuart held the field, but his force was too weak to risk the renewed contest which Greene intended the next day; he left his wounded to the enemy and drew back twenty miles, while Greene resumed his position at the High Hills of Santee, on the report that Cornwallis proposed to return to South Carolina. Reinforced from Charleston, Stuart again advanced to the Eutaws, while the partisan warfare raged all about.

Stuart withdraws

Again advances

Cornwallis' doom coming

The day before the battle, Cornwallis' last hope of returning anywhere to fight had vanished. Washington and Rochambeau, alone in the secret of their destination, marched swiftly to Brunswick, still supposed by Clinton and their own leading subordinates to be aiming for Staten Island;

781 Aug.–Sept.

then to Trenton, which the vanguard left September 1. The allied soldiers and officers began to see the design, and grew buoyant with hope and the French on fire with enthusiasm; but Clinton actually did not realize its purpose till the next day, when the van had reached Philadelphia. There Congress and the people were informed of the plan, now beyond foiling; there was immense popular jubilance, and the army was given a resounding ovation as it marched through the streets and briefly paraded before the leading officials. Not tarrying, the advance encamped on the 5th at Chester, where Washington received the news that De Grasse had arrived in the Chesapeake on the 30th, blocked up the York River, and landed 3000 men under the Marquis de St. Simon at James Island. There was a fresh public rejoicing in the capital, with bands playing and flags waving, and toasts to the success of Washington in "catching Cornwallis in his mouse-trap."

Allies' rapid march on Cornwallis

Hear of De Grasse's arrival

That very day its door was virtually fastened. Rodney, who was to "take care of De Grasse," and was capable of it, had entangled himself in such a mass of lawsuits by his buccaneering at St. Eustatius that he had to return to England "for his health" and his property, sending in his place Sir Samuel Hood with fourteen ships of the line to follow De Grasse north. Hood crowded on sail, passed De Grasse unaware, and not finding him at the Chesapeake as expected, August 25, kept on for further instructions to New York; where Admiral Graves, a man of no great parts,

Rodney sends Hood after De Grasse

Hood misses him

1781 Aug.–Sept.

had replaced the aged Arbuthnot. Graves, on a prize-capturing cruise around Boston, had suspected some joint operations against Cornwallis from De Barras' sailing south with ten transports —in fact laden with heavy ordnance and tools for the siege of Yorktown; but De Grasse's expedition had not been known. Hastily gathered in, the combined English fleet, under Graves as ranking officer, left Sandy-Hook for the Chesapeake the day after De Grasse entered it, discovered the French fleet early on September 5, and at 4 P. M. assailed it; by sunset three of the English ships were so shattered that after tacking about for four days longer, Graves abandoned hope and returned to New York. Meantime Lafayette with his and St. Simon's troops, some 8000 in all, on the 7th had occupied Williamsburg and stretched his lines across the neck of the peninsula, cutting off Cornwallis' last chance of retreat up the James and through North Carolina.

English fleet vainly attacks De Grasse

Lafayette cuts off Cornwallis' retreat

The day before, Benedict Arnold had struck the last blow his infamous contract was to require of him in this war, and one which must have made him writhe like Balzac's Spanish grandee required to be the executioner of his mother. New London in his own State, on the west bank of the Thames at its magnificent harbor-mouth, was a nest of privateers intensely hated by the British; and when Clinton woke up to Washington's move, he took advantage of the depleted American force to send Arnold with 2000 men to wipe it out. On September 6 the city with its guarding fort was easily

Arnold sent against New London

captured, its warehouses emptied, and (Arnold declared without his orders) was soon swept by a great conflagration. Groton on the opposite bank was defended by Fort Griswold, where 157 militia under Colonel Ledyard made a fierce defense against 600 British regulars; who, after losing 35 more men than the garrison, stormed it and butchered or desperately wounded all but 26 of them, including the commandant (killed), despite appeals for quarter. Graves' naval defeat, the sack and burning of New London and the massacre of Fort Griswold, the occupation of the York peninsula neck, and the battle of Eutaw Springs, on four successive days, form a striking group with the ends a thousand miles apart.

1781 Sept. 6–28

Massacre of Fort Griswold

The allied troops took ship from Head of Elk and Baltimore, while Washington, Rochambeau, and Chastellux rode ahead, arriving at Mount Vernon on the 9th—the first time Washington had seen his home in over six years. Spending two days there, on the 14th they reached Williamsburg; Washington took command, and concerted plans of combined action with De Grasse. Cornwallis wrote that he could not hold out unless soon relieved; Clinton's council of war decided that he must be so "before the end of October," and Graves thought him "in no immediate danger." The allied troops from the North began arriving the 18th, were all collected at Williamsburg by the 26th, and on the 28th the army, now 6000 strong, marched to invest Yorktown. Two nights later Cornwallis abandoned all his advanced works,

Allied leaders reach Williamsburg

Invest Yorktown

1781 Oct. without waiting a storm. The force at Gloucester was hemmed in by Lauzun and Weedon's militia; Tarleton attacking them was ridden down and barely escaped.

Siege of Yorktown The night of October 5-6, trenches were opened by Lincoln and the French on right and left; within three days the parallels were completed and batteries erected to demolish the outer line of redoubts. On the night of the 10th a British 44-gun frigate and three transports were burned by red-hot shot, and the second parallel begun within 300 yards of the British lines. On the 14th an all-day bombardment breached two advanced redoubts; and that night Lieutenant-Colonel Alexander Hamilton stormed one of them, and the French under the Count de Deux Ponts and Baron de L'Estrade the other. The heavy guns enfiladed and tore gaps in the main works for the next two days, a fruitless British sortie early on the 16th only showing Cornwallis' hopeless position; and on the 17th, the anniversary of Burgoyne's surrender, he raised a white flag. Terms were speedily settled—the only difficult one being the fate of the loyalists in Cornwallis' force, which was settled by allowing him to send off in his dispatch-boat to Clinton whomever he chose; and at four o'clock on the afternoon of the 19th, while Cornwallis remained in his tent, General O'Hara made a formal surrender to General Lincoln (a compensation for Charleston), while the sound part of 7247 soldiers and 840 seamen marched past and laid down their arms, their bands playing an English air in token of defeat.

Cornwallis surrenders

The capture carried with it 244 cannon, 75 brass; and masses of stores. 1781-2

These were to be needed for over a year longer, but not so desperately that the United States could not now furnish its own for what fighting was left. Clinton too late to save Cornwallis

Clinton on the day of the surrender left New York with 7000 troops, in twenty-five ships of the line and ten frigates, to rescue Cornwallis. He arrived five days too late, and though he was strong enough for a good chance of crushing De Grasse's fleet, there was not now object enough in the risk and loss. De Grasse returned to the West Indies; Washington and the American troops to the old camp; Rochambeau's French remained in Virginia; Wayne went south to reinforce Greene, and Stuart hastily withdrew into Charleston for the rest of the war, while Rutledge and his Council reconstituted the patriot government all through the State. Wayne was sent to Georgia, where he cleared the British troops from the interior with some slaughter and shut them up in Savannah; on July 11, 1782, they evacuated it, the loyalists retreating to Florida and the regulars to Charleston. Remnants of the atrocious civil war still raged in the Carolinas, and horrible deeds were done; and Clinton let his Northern loyalists revenge themselves by several brutal murders. But Sir Guy Carleton, who succeeded Clinton May 5, 1782, acted with the utmost generosity and good feeling, wishing hostilities to cease. One of the last victims was Colonel John Laurens, mortally wounded in repelling a foraging party near

South Carolina and Georgia redeemed

Embers of the war

1781–3

Charleston; the very last was a Maryland officer named Wilmot, killed in Virginia. On December 14, 1782, Charleston was evacuated; New York remained in British hands until the formal peace, being evacuated November 25, 1783.

Rejoicings over Cornwallis' capture

But these represented only the grudging slowness with which the British militant party yielded to the inevitable. The festival of triumph all through America at the news; the equal exultation in France, where on November 25 Lauzun arrived in a swift ship bearing the news, and on the 27th the houses of Paris were lit up and Te Deum was chanted in Notre Dame; the glee scarcely less demonstrative in the rest of Continental Europe,—were matched with a graver pleasure among the English Liberals, and against a background of sullen rage and heart-sinking among the Tories. Even these, however, contained a mass of moderate men, who were tired of bleeding themselves for revenge and a vanished hope and enriching army officers with plunder. The first news came from Paris on November 25; and Germain with the Lord Chancellor told North, who flung his arms above his head exclaiming, "O God! it is all over!" and repeated it again and again. Fox leapt for joy: he had always loved to read of the defeats of invading armies, from Xerxes down.

Varying English feeling

England overmatched

The King was as stubborn as ever; but disasters and burdens were piling upon the country so thickly that it must let something go to save the rest. Spain had recaptured West Florida already, was on the point of recapturing Minorca, and had

Private

Hanover Sq. 25th Nov. 1781

My Dear Lord:

Bad News is apt to travel fast enough, but I do not chuse to let your Excellency & Mr. Eden learn suddenly by another Channel what I have to communicate, which is very bad indeed. Lord Cornwallis surrendered Himself and Troops Prisoners of War to the French and Rebel Army on the 19th of October. The news comes from Paris as was brought there by the Duc de Lauzun. This is a severe blow. It is thought our Fleet is returned to New York.

I have the Honr. to be

Your Excellency's

Most Faithfull Humble

Servant

Hillsborough

FIRST ENGLISH NEWS OF THE BATTLE OF YORKTOWN.

besieged Gibraltar for three years; Hyder Ali was overrunning all South India, and the French were co-operating; and worst of all, Ireland was in full rebellion, new-born under Flood and Grattan. The Armed Neutrality curtailed England's power to cut off its enemies' supplies; De Grasse was now master of the West Indian seas, and during the winter conquered several of its possessions there, giving back St. Eustatius to Holland. The nation was involved in four wars at once, could no longer raise money to carry them all on, and was in danger of defaulting the interest (now more than double its amount in 1775) and ruining its credit. The narrowed markets for British goods had greatly decreased the production that paid it, rents were falling, and the selling price of land had fallen nearly a third. The landed gentry and the mercantile interest, who together almost made up the nation politically, both began to go over to the opposition. London petitioned the King to stop "this unnatural and unfortunate war," and meetings in other counties echoed the sentiment.

1781 Nov.-Dec.

England against the world

Danger of entire exhaustion

War sentiment dying out

The King still held out: he insisted on holding Georgia, Charleston, and New York, and the ministry presented to Parliament estimates for a "defensive war"; no difficulties should make him buy peace by giving up the colonies, and he would abdicate and retire to Hanover first—his perpetual threat. But the tide of popular feeling was now running so irresistibly the other way that even the rotten-borough majority in the House of Commons, only kept in the traces already by twice the

George III. obstinate

To no purpose

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1781–2 Dec.–March

amount of corruption money ever before spent (so said the King), dared not for their political futures act against it, besides that they were part of it. At the first meeting of Parliament after the news of Yorktown, the ministry's majority on accepting the King's speech was cut down to 87; two weeks later, a motion to cease all attempts at reducing the colonies was lost by only 41. Germain had to retire from the Cabinet with a peerage. On February 22, General Conway moved to discontinue the war; the motion was supported by Fox, Pitt the younger, Burke, Barré, Lord John Cavendish, and other powerful Liberals, and lost by but one vote; and on the 27th Conway's resolution for an address to the King to that effect was carried by 19. The answer was vague; and on March 4 a fresh motion of Conway's, that all who advised further prosecution of the war were enemies to the King and the country, was carried without a division.

Rapid growth of peace party

Parliamentary victory for it

The next day, leave was granted to the ministers to introduce a bill enabling the King to make a peace or truce with America; and it was so introduced. North sent agents to France to see if the allies could not be separately negotiated with. As his laying down office would involve the coming in of the hated Rockingham party, the King begged him still to retain it till he could force them to conditions. But on March 15 a motion of censure was lost by only nine votes; the whips sent for all the opposition members, and on the 20th the House chamber was thronged with such an attendance

King begs North to stay in

North nearly voted out

as had not been seen since the accession of the King, eager to overthrow the ministry, while a great crowd of spectators watched them. A member rose to move want of confidence; North rose at the same moment, and amid a wild uproar held the floor on a point of order, and announced his resignation.

782 March

North's resignation

The King despised Rockingham and loathed Fox; the only opposition leader toward whom he had any decent feelings was Shelburne, who represented the Chatham policy of refusal to divide the empire, said even four months later that "the sun of England's glory was forever set" as soon as Parliament should recognize the independence of the colonies, and it was believed would exhaust every means of compromise and of pressure upon them before yielding it. Him the King urged to head a ministry, with the Tories Thurlow and Weymouth, as well the Whigs Camden, Grafton, and Rockingham, for colleagues. Shelburne said it was impracticable, and urged the King to place Rockingham at the head for the kingdom's sake. The King hesitated a day, but finally agreed to let Shelburne negotiate with Rockingham, whom he would not see face to face; and authorized him to make whatever terms with him and his party were necessary to secure them. Rockingham made but one condition, that if the independence of America were granted by Parliament it should not be vetoed; the King agreed in writing.

King looks to Shelburne

Who urges him to take Rockingham

So done

Nevertheless, the way before the United States toward peace and recognized sovereignty, much

1782 March et seq.

more their full territory and chances for expansion, was still long and thorny. The King had not bound himself not to obstruct its grant from Parliament in every possible way; half the new ministry were at one with him on that point, though wishing no more war; and America's late allies were of all European states the most averse to her growing strong. That she escaped years more of lingering uncertainty and paralysis was due to the exhaustion of all the combatants, and the fact that her independence was bound up with any closure of hostilities. That she escaped being shorn of everything but a strip of the coast shortened at top and bottom, new settlement profiting only Canada and a new set of British colonies to wage a new war for independence or annexation, was due partly to that; but only in combination with a stubbornness of the American negotiators due, in the last resort, to the very diversity of interests in the Union which caused so much discord and feebleness and nearly wrecked the war. Maine and the fisheries at one end, the Western lands in the middle and at the other, were not in the realm of possible sacrifice; and by their holding out because they would be disavowed if they did not hold out America obtained the whole from violently reluctant powers who gave it rather than go on fighting.

Independence still insecure

Decent boundaries still more so

How secured

Rockingham formed his ministry of both wings of the Liberal party.[1] His own or the independence

[1] North said the official announcement of its accession, "The King has been *pleased* to appoint" So-and-so, outranked any of the "lying bulletins" so often charged against him.

BENJAMIN FRANKLIN.

THE COUNT DE VERGENNES.

LORD ROCKINGHAM.

CHARLES JAMES FOX.

LORD SHELBURNE.

section comprised himself as first lord of the treasury, Fox as foreign secretary, the Duke of Richmond as master-general of ordnance, Lord John Cavendish as chancellor of the exchequer, and Viscount Augustus Keppel as first lord of the admiralty. Shelburne came in as home and colonial secretary, bringing Camden as lord president of the Council, and the famous lawyer John Dunning, afterwards Lord Ashburton, as chancellor of the Duchy of Lancaster. Conway as commander-in-chief, the Duke of Grafton as lord privy seal, were of no faction. The Tory Thurlow was retained as lord chancellor. Burke was paymaster of the forces with no Cabinet seat: the ministry needed English party interests behind it.

1782 March–April

The Rockingham ministry

There was more discord than of mere opinions. Nobody trusted Shelburne, who, though one of the most enlightened statesmen and economists of his age, and perfectly consistent in general policy, had almost as little perception as Charles I. of the business value to himself of inspiring confidence in his word. It is hard to blame his harshest critics when we find him, seventeen days after the saying quoted on page 3083, writing to his agent

Distrust of Shelburne

[1] There are defenses for Shelburne, but the very purposes he had most at heart were injured by the wide-spread conviction that he was "slippery"—used words with two meanings, and made promises he had no intention of keeping. A popular nickname for him was Malagrida (a noted Jesuit); and the *Rolliad* lampoon hits off the general belief that he could always find a loop-hole of escape from his pledges:

> "A noble lord affirms I like his plan:
> I never did, my lords! I never can! . . .
> Plain words, thank heaven, are always understood:
> I *could* approve, I said—but not I *would*."

1782 March–April

that "there never have been two opinions since you were sent to Paris," nearly four months previous, "upon the most unequivocal acknowledgment of American independence"! and that though regretting the separation, he had long since given up hope of preventing it. No patriot ever knowingly consummates the sunset of his country's glory. Fox believed himself duped by him on the treaty of 1763, had no faith in his declarations, and was determined that he should have no control over the peace negotiations, thinking he only meant to wreck them. Shelburne's post gave him charge of colonial matters; but Fox's gave *him* charge of the foreign relations, of which American affairs would become a part as soon as American independence was acknowledged, and he declared himself ready to go on with the war rather than submit to Shelburne. In the end, however, it was compromised by sending one colonial agent to Franklin and another to Vergennes.

Shelburne's ambiguities

At odds with Fox

Shelburne had an idea from North's emissaries that a separate agreement with America was possible; and sent Richard Oswald, a retired Scotch merchant, to sound Franklin and Vergennes,—also sending Laurens, exchanged for Cornwallis, to talk with John Adams in Holland. Nothing came of either, and Shelburne was disabused of his notion. Fox meantime was parleying with the Dutch; Russia was veering to the English side in fear of the House of Bourbon; Florida Blanca was wild with fear of an insurrection in the Spanish colonies, and would not hear of aiding the

Tries to separate France and America

European allies growingly discordant

French to set up an independent republic in Jamaica, as Vergennes suggested.

1782 April–May

England's position was hopeful; and the Cabinet commissioned Oswald to discuss preliminaries with Franklin, and Thomas Grenville with Vergennes. Grenville (from Fox) wished to make American independence the sole concession to France; Vergennes dismissed it contemptuously—France found and not made America independent, was justified in its alliance by that fact, and the offer was no gift to France. Grenville wrote that France and Spain were insisting on extravagant terms in reliance on American help, and it would be well to grant independence in advance by a separate treaty instead of by an article in a general treaty, as that would end America's interest in continuing the alliance. This suggestion, not impossibly inspired by Franklin, sank into the minds of the ministers, and went far toward smoothing the American path. Shelburne took the view of Fox's agent, and sent accordant instructions to Carleton at New York; the "dreadful price now offered to America" for peace, said the King, was independence.

Ups and downs of peace commission

The difficulty arising from French claims of advantage was suddenly removed in May by news of a terrible calamity, which ended at a blow the question of carving new provinces out of English possessions. Rodney had been sent back to the West Indies, arrived February 19, and joined Hood. Their united fleet of thirty-six ships outmatched De Grasse's, and he manœuvred to escape

Rodney and De Grasse

1782

from it and join the Spanish fleet at Santo Domingo. On April 8 he started from Martinique, but was overhauled the next day by Rodney from St. Lucia and forced to a partial fight; and early on the 12th brought to bay between Guadeloupe and St. Marie Galante. From seven in the morning till six in the evening, one of the most tremendous ocean battles of modern times raged without five minutes' cessation; a thousand English and thrice as many French were killed and wounded, De Grasse's ships having 5000 land troops on board for targets; one French ship was sunk and five captured, including De Grasse's flagship—almost foundering and with only three men on its upper deck unhurt; the admiral gave up his sword, the first French commander-in-chief captured by an enemy since Blenheim. This news was received the evening of May 18; that very day the Cabinet had given Grenville full powers to negotiate, but beyond question the obtaining of terms acceptable to England was made possible by this French downfall, which left the English navy undisputed mistress of the seas. Even so, however, England was in no posture to break off negotiations and grow defiant.

Rodney overhauls De Grasse

Crushing English naval victory

Useful results to America

But the attempt to separate the allies was a failure. Vergennes would not receive Grenville, as not authorized to treat with Spain or America or the Netherlands; Franklin would not reveal the American conditions of peace to an unauthorized person. Grenville in a rage vilified Oswald, and hounded on Fox to fight Shelburne. Fox enlarged

Which holds with France

Grenville's powers; but these were not confirmed by Parliament, which conferred only on Oswald the power to treat of peace with America, then held his commission back at Fox's request. Fox proposed that America should be recognized as independent without a treaty; the Cabinet decided against it, preferring to keep the gift of independence as a basis of treaty negotiation, and Fox threatened to resign.

1782 June–July

Fox favors recognition without treaty

July 1 Lord Rockingham died. Rarely has the death of so outwardly mediocre a person produced such momentous and lastingly mischievous results: it removed the one person under whom both Liberal wings were willing to serve,[1] involved their leaders in a naked struggle for supremacy, and ended in excluding the Liberal party from power for a generation, depriving it of all influence in the crisis of the French Revolution. The King at once gave Shelburne his portfolio; Fox with Burke, Cavendish, and Sheridan,—"leaders of sedition," the King called them,—would not serve under Shelburne, went over to the opposition, and denounced him without stint as a tool of the court and not sincere in professing to advocate American independence. Pitt the younger became chancellor of the exchequer at twenty-three; Lord Grantham, foreign secretary; Thomas Townshend, home secretary. Grenville followed Fox and threw up his commissionership; Shelburne in his place appointed Alleyne Fitzherbert, afterwards Lord

Immense effect of Rockingham's death

Liberal party splits

[1] Horace Walpole wrote that by Rockingham's death, George III. succeeded to the Crown of England.

1782 June–Sept. St. Helens, to whom was shortly added Henry Strachey. Shelburne, whatever his previous ideas, assuredly now was bent not only upon peace with America, but a permanent concord. Franklin admired and thoroughly trusted him, declared long afterward that he never saw any instance of insincerity in him, and exerted himself to the utmost to conclude the peace. Jay arrived to aid Franklin in June; John Adams in October, after England had still further strengthened her position by the destructive crippling on September 13 of the great French-Spanish armament assailing Gibraltar, Hawke permanently relieving it a few weeks later.

Shelburne sincere

Gibraltar relieved

The chief obstacle was the secret understanding of Vergennes with Spain to help her strip the United States of the Gulf, the Lakes, the fisheries, and the Mississippi, as previously related. This was no personal grudge to us, nor from duty to Spain: it was cool conviction upheld by a wave of French national feeling, itself tardily following a general European feeling always strong in Spain. Now that the glow of conflict and chivalry for a weak oppressed nation had cooled down, old policy was heard and new jealousy arose: colonial freedom was one thing and an overgrown Western Empire another; and there was a general outcry that France had been the dupe of her allies. Vergennes went so far as to send an agent (Rayneval) to Shelburne to intimate that France would not support America in *unjust* demands, plainly implying that anything beyond the Alleghanies or

France and Spain unite to limit the republic

Vergennes holds out unto Shelburne

in the line of ocean rights would be so considered. But Shelburne listened to Franklin instead, took a generous and statesmanlike view of the future, and by his influence gave the new republic the splendid bounds and potentialities which have made it the queen of a third part of the world. At the same time, let us remember that while Vergennes was a French patriot and statesman first, as was his duty, he was an honorable one who kept faith so far as he pledged faith; that it was his firm insistence on maintaining his pledge to secure our independence before ceasing hostilities that enabled us to exist as a nation at all; that he broke neither promise nor obligation in attempting to keep a continental power from arising here; and that he contested the American claims openly to their envoys as well as underhand. The last word is not said when we have justified Adams for distrusting him in the negotiation against Franklin's judgment.

1782 Sept.–Nov.

Our debt to Shelburne

To Vergennes

With England willing to yield her part, the jurisdiction over vast wealthy existent colonies, the other powers could not long hold out for unsettled *hinterlands* and future possibilities of navigation and trade. It was necessary, however, to conclude the Anglo-American status provisionally without regard to them, or the terms would never be agreed upon; and on November 29 these were settled by the commissioners, subject to approval from both governments, and not to take effect before a general peace between Great Britain and France. On the 30th they were signed. There were ten articles:

Provisional treaty agreed on

1782 Nov. 30 et seq. Articles of provisional treaty

1. Declaring the colonies independent states and resigning all British rights over them. 2. Defining the boundaries, as extending to the Mississippi and including the territory northwest of the Ohio. 3. Conceding fishery rights, Newfoundland and other. 4. Mutual payment of private creditors. 5. That Congress recommend the State legislatures to restore the forfeited properties and right of loyalists, on the prices paid by bona-fide purchasers being refunded, and to revise the laws on the subject. 6. No future confiscations or prosecutions to be made on Revolutionary grounds, and all prisoners on such charges set at liberty. 7. Perpetual peace, withdrawal of troops, etc. 8. Mississippi River navigation forever open to citizens of both countries. 9. All conquests of either side after date of the articles and before their arrival in America to be given up. 10. Ratifications to be exchanged within six months. A special article defined the bounds of the United States and West Florida, if Great Britain possessed it at the end of the war.

Loyalist article

The fifth article was inserted to placate British feeling, which felt bound in honor not to abandon British subjects; but Franklin candidly warned the government that it was probably waste paper, as it practically was—the States having no legal obligation to do as recommended, and recognizing no moral obligation, which indeed their people would not have upheld. The dismal history of what resulted from its vaporosity,—partly as reason and very much as pretext,—playing no small

part in the causes of the War of 1812, must be left to future chapters. 1782–3

The agreement had still to be accepted by both countries, and the other treaties carried through. There was little opposition in Congress, though some thought the article on the loyalists derogatory to the national dignity. But in England there was a long and furious struggle over the boundaries, the fishing and navigation rights, and the insufficient protection of the loyalists. It is unpleasant to record that the most violent assailants of the treaty were not the Tories, but the very Liberals who had been the foremost champions of American independence, and tried to tie Shelburne's hands and even oust him for lack of sympathy toward it.

Draft treaty fought in England

Especially by Liberals

Fox and his Parliamentary section on February 14, 1783, formed the memorable and ill-savored "Coalition" with North and his—the group they had been fighting all their lives not on factional grounds, but as representing a system adverse to the very bases of popular rights, interests, and honor. Men like Fox and Burke are entitled to the benefit of their previous character; and they justified themselves by saying that England's greatness was in extreme peril from the weakness of its divided government, and all good citizens should sink politics in patriotism. It will not easily be believed, however, that union under the progressive Shelburne would have been less fortifying than union under the reactionary North. The public naturally believed it a corrupt bargain

"The coalition"

1783 Feb.–April

to divide the offices between them, an opinion confirmed by their early bringing in a bill for the government of India with enormous patronage; and shortly overwhelmed the Liberal party in a torrent of disgust and distrust, many years in abating.

"Coalition" long ruins Liberal party

The Coalition's chief weapon against Shelburne was his provisional American treaty; and they at once began to pour execrations on it. Fox called it the most disastrous and degrading peace the country had ever made: nothing but concession, (! this from the great protagonist of concession) though they had gained brilliant victories and had everything to hope for. Sheridan said it relinquished everything great and glorious in the country. Burke said the articles ought to be obliterated out of its annals. Richmond would not vote for or against it. An address to the King recommending it was strongly defended by Shelburne, Pitt, Thurlow, and others, and carried 72 to 59; but the Coalition mustered and disciplined or bribed its members, and a motion of Cavendish a few days later for censure of the treaty was carried by 17. Shelburne at once resigned, February 17. The King struggled for a month against accepting the Coalition, his hatred of Fox now including North, whom he believed to have betrayed him; but on April 2 the Duke of Portland was given the nominal premiership, with Fox, Burke, North, Cavendish, Keppel, Stormont, and Carlisle as secretaries.

Fights American treaty

Shelburne turned out

Fox party comes in

But the treaty could not be quashed now; nor had the Liberal members of the Coalition probably

any intention of doing it, the damnatory rhetoric being largely for factional ends. The Duke of Manchester and David Hartley replaced Fitzherbert and Oswald, though Fitzherbert remained as additional commissioner; but they quietly accepted one after another the articles their chiefs had been thundering against. The longest and most stubborn fight was on the question of commercial intercourse. Lord Sheffield said the country would no more give up the Navigation Act than Magna Charta. It was resolute to retain its West India monopoly, feeling sure that otherwise it would lose the whole European carrying trade, through the Americans taking return European cargoes when they brought over West India products; the Americans insisted on perfect reciprocity. Finally it was settled by dropping all commercial articles from the treaty, leaving them to a future special one. The treaty was at last signed at Paris on September 3, 1783.

1783 April-Sept.

Anti-treaty ministry accept treaty

Except reciprocity

Of all the powers which had entered upon this gigantic war by will or compulsion, the United States alone profited by it, while all the other contestants were deeply injured and some nearly ruined. The conquests of France were trivial, and her bankruptcy was a direct parent of her Revolution. The Netherlands never fully recovered the terrible devastation of their commerce. Spain paid for Minorca and West Florida the price of not only encouraging her colonies to rebel by a successful example, as she had been told by the English and half realized herself, but of giving them a rich

Profit and loss of war

1783

English loss from the war

and sympathizing helper in doing so. England had a mountain of new debt and greatly lessened possessions and resources, and in no respect of interest or honor was otherwise than worse off for the struggle. But the United States, for heavy temporary sacrifices, gained a recognized territory of 820,680 square miles, and an irresistible primacy on the northern continent; a primacy dependent not on arms, but on the embracing freedom, happiness, and satisfying pride of full personal equality which it has given, and still gives, to more human beings than obtain a like measure of all at once in the rest of the world together.

United States, profit

PART VIII.

Evolution of the Federal Government.

CHAPTER L.

CONDITIONS AT THE CLOSE OF THE REVOLUTION

1776–87

When the machinery of royal government broke down in the attempt to force upon the colonies the arbitrary and unEnglish rule of George III. and his ministers, but little change was made except the substitution of one set of officials for another. There was no great political upheaval, no destruction of social forms like that in France a few years later. The principle of local self-government was natural, and had been long in operation. The Revolution was in fact an armed resistance to an attempt to subvert or destroy this principle; an attempt by force of arms to preserve and protect it, rather than an attack upon long-standing abuses and oppression. Destruction there was not a little, but with it also some measures of construction. The period from the close of the Revolution to the adoption of the Constitution is one in which both the destructive or disintegrating tendency, and the constructive reaction, are strongly marked. For a time it appeared to many that the war had been in vain; that after independence, the Confederacy was drifting fast toward disorder and anarchy, and that the different States would destroy each other in civil wars. Yet within the States themselves

Slight internal change made by Revolution

It was a conservative movement

Disheartening results

1776–87

substantial progress had been made, the results of which were to be transferred to the general government under the new Constitution.

State governments not radically changed

Connecticut and Rhode Island had been republics, with officers elected by the people, ever since the granting of their charters. The royal provinces had, it is true, governors and certain other officers appointed by the Crown, with councils subject more or less to royal influence; but these branches of the government, save in one or two exceptional cases immediately before the Revolution, were never entirely free from the control of the popularly elected assembly. When the separation came, therefore, an elected governor and council took the place of the royal officials, and the government went on as before. The case was somewhat different with the proprietary colonies of Pennsylvania, Delaware, and Maryland, but the final result was the same. For a time, however, the Pennsylvania Assembly retained the old form of a single house, that of delegates.

Nature of new ones

Acting upon the recommendation of the Continental Congress, all the States except Rhode Island and Connecticut framed new constitutions, and in several instances more than one, during the period from 1776 to 1787. The first of these new instruments of government greatly reduced the power of the governor; an action due for the most part to the extreme hostility toward the royal officials, who were not unjustly regarded as a chief source of the quarrel with the mother country. Massachusetts and Pennsylvania chose executive

councils, as did Delaware and New Hampshire. The president of this council was the executive officer of the State. At first the people feared to trust the governor with the veto power or the power of appointment. Governors were elected by the legislatures except in New York, Rhode Island, and Connecticut. The governor's council became the senate, with the power of revising laws. A property qualification for the franchise and for holding office was the rule, and in some colonies the amounts of property necessary for office-holding were graded carefully from assemblyman to governor. The members of the assembly were elected for a single year, except in South Carolina, where the term was two years. Members of the senates retained office from two to five years. They were chosen by popular vote, by the legislatures, and in Maryland by a college of electors. There was much diversity in these forms, but the successive constitutions tended to uniformity; until the adoption of the national Constitution furnished a model to which the States, both old and new, gradually conformed.

1776–87

Fears of autocracy

Franchise and legislative bodies

The changes in the judicial system were of minor importance, save in the gradual introduction of the practice of electing judges, which had its origin in the feeling that the courts should be more directly dependent upon the will of the people. Though widely established, the elective method proved defective in many cases, and later tendencies were toward longer terms or life tenures.

Democratizing of judiciary

1776-87

Slavery and the States

The institution of slavery was one of the first to be affected by the separation of the thirteen colonies. It had long been a grievance against the English government, which had fostered the system by refusing to abolish the slave trade. An apology was necessary for slavery in a country which was openly making war for freedom. Among the States most active in disseminating this new sentiment was Virginia. Not only did the new sentiment oppose slavery on theoretical grounds, but plans were formulated for a gradual suppression of the evil. In South Carolina and Georgia, where the chief products were indigo and rice, the planters were dependent upon slave labor. Here all attempts to interfere with slave-holding or abolish it were resisted, and the influence of these States secured the protection given to slavery by the national Constitution.

Restrictions placed upon it

In some of the States there were legal obstacles to emancipation. These were removed, and laws were passed for the suppression of the slave trade. Delaware forbade the importation of slaves in 1776, Virginia passed a similar law in 1778, Maryland in 1783; and North Carolina in 1786 placed a tax of £5 on each slave imported. In 1780 a Pennsylvania enactment provided that the children of slaves should be free, and that no more slaves should be brought into the State. Laws of the same kind were passed by New Hampshire in 1783, by Connecticut and Rhode Island in 1784. New York admitted free negroes to the franchise, and enacted that the children of slaves born within

1776–87

Slavery —reform and reaction

the State after 1785 should be free. Gradual emancipation was provided for in several of the States, and in 1780 the Supreme Court of Massachusetts decided that the wording of the new Constitution abolished slavery within the limits of that commonwealth. Unfortunately upon the border between slavery and freedom, and even elsewhere, there was later a reaction which resulted in a tolerant and complacent view of the institution.

Church and state

Relations between church and state, and the attitude of men in general toward religious bodies, were modified greatly by the Revolution. The Church of England was established quite generally throughout the South, and the Congregational form was intrenched as strongly, if somewhat differently, in New England. In Pennsylvania and Delaware, where all Christian sects were upon the same footing, the Established Church was not entirely free from the defects resulting from its protection by the State. Too often men who had brought disgrace upon the order in England were sent to the colonies, where it was hoped their opportunities for lapses from grace might be less numerous, and the consequences to the Church less serious. Fortunately the number of such ministers was small; but among those whose lives were above reproach were many of but moderate talent and little spirituality. The question of discipline was a serious one, however, on account of the remoteness of the churches from the centres of authority.

Colonies a dumping ground for worthless clergy

1776–87

Strained position of Anglican clergy

The position of the clergy, as the struggle between Great Britain and the colonies became more acute, was a most unhappy one. Their ordination vows and the service of the Church united to compel them to a course which was certain to be condemned by the majority of their hearers. There were at that time about three hundred parishes and two hundred and fifty of the clergy throughout the country. In the colonies south of Maryland, the greater number of the ministers openly espoused the popular cause. The names of Thruston, Muhlenberg, Madison, Bracken, and Davis of Virginia, of Henry Purcell and William Percy of South Carolina, are prominent among the champions of liberty. William White, the first bishop of Pennsylvania, was a chaplain of Congress; Croes, first bishop of New Jersey, was a non-commissioned officer for a part of the war; Provoost first bishop of New York, Bass and Parker, first and second bishops of Massachusetts, were leaders in the popular cause.

Patriot clerics

Religious liberalizing in Virginia

Soon after the Declaration of Independence, all dissenters in Virginia were declared to be exempt from paying taxes for the support of the Church; and in 1779 this privilege was extended to members of the Church. In 1785 Patrick Henry introduced into the Assembly a resolution for the support of the teaching of Christian doctrine without reference to denomination. The notion gained ground rapidly, and had the support of such men as Pendleton and Harrison, who favored it because they believed public morality should be fostered

1776–87

State church for Virginia opposed

openly by the state. Opposition to the resolution was led by Madison, supported by George Mason, and by Jefferson then in France. They believed that state support corrupted rather than aided religion. If religion was necessary, men would support it freely without legal enactment; if the church were supported by law, the courts must necessarily decide the question of orthodoxy. A remonstrance was addressed to the legislature, in which religious freedom was insisted upon as a natural right. The Baptists and the Presbyterians added their influence, and the assessment bill was not heard of again.

Maryland parishes

There were forty-four parishes in Maryland, each with an incumbent, when the Revolution began. The livings in but three of these were under £300; the average was £500, and several were worth £1000 yearly. The Legislature in 1776 made changes in the service, with which some of the clergy refused to comply. Churches were closed; some of the ministers left the colony; a few were arrested and fined for seditious conduct. By the declaration of rights of 1776, Maryland relieved her citizens of taxation for the support of religion; but glebes, churches, and chapels were to remain the property of the church. By an act of 1779, select vestries were established by the Legislature to act as trustees for the church property. In 1782 an attempt was made to secure State support for all denominations, and in the following year Governor Paca recommended to the Legislature the consideration of an adequate

Legal changes

1776–87

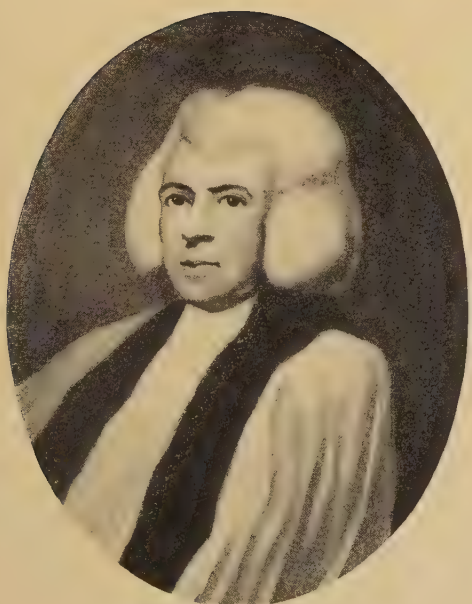
support for the church. The clergy of Maryland asked leave to bring in a bill which should permit the necessary alterations in the service, and perpetuate the colonial church in conformity with the Episcopal system. Other denominations opposed the measure with such vigor that the matter was deferred until 1784, when it took the form of an act to incorporate the church as a society for the relief of the widows and children of ministers, with the right to hold property of an assessed value of £15,000. The two things that the church especially desired were the legal recognition of the succession to the Church of England, and the confirmation of the Select Vestries Act of 1779. These were brought before the Legislature from time to time, and at length recognized by an act of 1802, which incorporated all religious bodies upon the same footing.

Church in Maryland incorporated

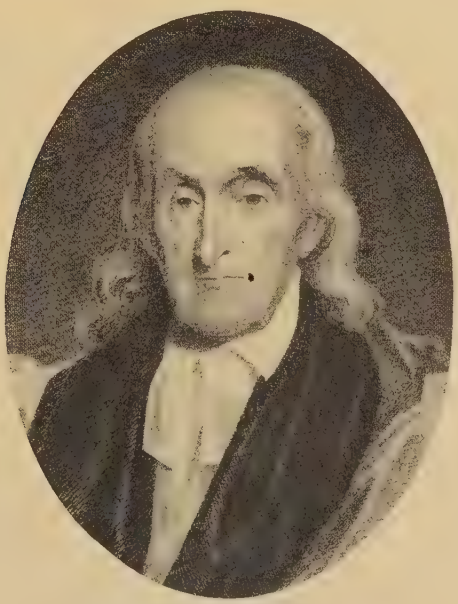
In South Carolina, but five of the parish clergy left the country with the British sympathizers; the remaining fifteen were strong supporters of the patriot cause. With the end of the royal government, the sums formerly paid to the clergy and appropriated for the repair of the churches were retained by the State, though the church ownership of glebe lands was not disturbed. Elsewhere the church was disestablished by the new constitutions. That of North Carolina declared that there should be no establishment of any one religious denomination in preference to any other; New Jersey and New York stated in definite terms the principle that no one should be compelled to

Disestablishment in the Carolinas

BISHOP SEABURY OF CONNECTICUT.



BISHOP PROVOOST OF NEW YORK.



BISHOP WHITE OF PENNSYLVANIA.

THE FIRST THREE AMERICAN EPISCOPAL BISHOPS.

pay tithes or taxes to any religious body whatever. 1776–87

In the northern colonies the church was under the general direction of the Society for the Propagation of the Gospel in Foreign Parts. Here, as might have been expected, the members almost to a man were of royalist tendencies. For a time they endeavored to keep out of the political discussion; but as the struggle approached the acute stage, they were forced to take sides. Most of the churches were closed, some of the ministers placed in confinement, while the rest sought safety within the British lines. Samuel Seabury, the first bishop of the Church in America, was a British partisan, and when made bishop, was receiving British pay as a retired chaplain. With the close of the Revolution the clergy of Connecticut chose Seabury to visit England, hoping that he might be consecrated by the English bishops. But the bishops were cautious; they still had something of party resentment; they were not certain that the American States would have any honorable future career; and above all, the oaths of the Acts of Supremacy and Allegiance barred the way. After an ineffectual residence in London, Seabury went to Scotland, where he was ordained by three nonjuring bishops in November 1784.

Anglicanism in the North

Seabury

Made first American Episcopal bishop

In the United States, many of the clergy doubted the value of the Scottish ordination; they wished the church to be something other than a branch of the Church of England; they desired it to be thoroughly American though upon Episcopal

His ordination doubted

1776–87

foundations. Of this section Provoost of New York and White of Pennsylvania were the leaders.

English ordination of American bishops

By act of Parliament the hindrances in the way of ordination by English bishops were removed, and Bishop Provoost and Bishop White were consecrated. Bishop Provoost doubted the validity of Bishop Seabury's ordination, and doubted the whole Eastern Church; but, chiefly through the moderation of Bishop White, with the cheerful cooperation of Seabury, the differences were composed, and modes of church government and a liturgy were adopted.

Church organized

At the beginning of the Revolution the Methodists were one of the most rapidly growing sects.

American Methodists

The society was known in New York as early as 1766, and the history of its founders in connection with the southern colony of Georgia has already been related. In 1772 Wesley appointed Francis Asbury leader of the society in America. Wesley himself never favored the separation of the colonies. He was the author of a "Calm Address," in which he maintained the right of taxation and condemned resistance. To add to the popular distrust at that time, Methodism was regarded as a part of the Anglican establishment. The third Methodist conference met in Philadelphia May 17, 1775, half-way between Lexington and Bunker Hill. The church was rapidly making its way,

Loyalist tendencies

notwithstanding the fact that many of its members were avowed Tories, while more were suspected of holding like opinions. One after another the more prominent of Wesley's followers left

America till only Asbury remained, and for a time he ceased active and open work. Yet the character of the church organization was such that the progress of the sect continued. There were revivals in Virginia and in North Carolina in 1775, and again in 1777. The new converts became preachers, and helped to extend the missionary field. Here, as in the case of the Episcopal Church, actual control fell into the hands of the American party.

1776–87

Americanizing of Methodist Church

In 1780 a division arose concerning the administration of the sacraments and ordinances. Those who followed Wesley closely were inclined to insist upon ordination; but there were those who maintained that the right to preach includes the right to perform the other offices of religion. Wesley himself understood the situation and the necessity for an American organization, and himself ordained Thomas Coke as his representative in America.

Question of ordination

The conference of December 1784, which met at Baltimore, was the most important in the history of early Methodism. The work before it was no less than the organization of a church, an adaptation of old forms to new conditions. Wesley himself sent a form of service modeled on that of the English church, and entitled "The Sunday Service of the Methodists in North America." It contained forms of prayer, of ordination, of the various offices, articles of religion, twenty-four in number, an abridgment of the Thirty-nine Articles, and a collection of psalms and hymns. The

Conference of 1784

Liturgy adopted

1776–87

whole was adopted, but the American clergy did not take kindly to a set form of service, so that this soon disappeared. Lest the clergy should be tempted to serve the Lord from mercenary motives, the salary of the minister was fixed at $60 a year, to be doubled if he had a wife, and further increased by $15 for each child. Sixty of the eighty-two itinerant clergy were present at the Baltimore conference; and by their unanimous choice, Asbury was selected as one of the leaders of the church and ordained by Coke. Then the ministers separated with new zeal and energy for their distant charges in the forest and mountains.

Methodist Church disliturgized and missionarized

The new organization made its way rapidly in North and South Carolina, into the valley of the Holston and thence into Tennessee and Kentucky. In 1786, when the "fort" settlements contained about ninety Methodists, two ministers were assigned to the circuit of Kentucky. The following year there were 500 members; and when Kentucky became a State in 1790, there were 2500 members and twelve ministers. Freeborn Garretson, in 1788, organized nine circuits from New York City to Lake Champlain, and installed therein his energetic young disciples. Men called them "emissaries of England and false prophets," but three years later there were twelve circuits and three thousand members.

Progress in the West

In New York State

At that time there was in all New England not a Methodist church and few Methodists. Jesse Lee was appointed to this field at Stamford in 1784, and within ten years the whole territory was

In New England

JOHN CARROLL, THE FIRST ROMAN CATHOLIC AMERICAN ARCHBISHOP.

1776–87

organized. New England looked with distrust upon the emotional side of Methodism, which was foreign to her own religious experience and was nowhere so prevalent as in the South and West. A revival meeting was held at Petersburg, Virginia, in 1787, at which the sessions were five or six hours in length; even, in one or two cases, lasting all night. The shouting could be heard for half a mile. Men and women within and without the chapel agonized in tears over the condition of their souls. Even some in broadcloths and satins rolled upon the ground, crying for mercy; others lay speechless; still others shouted in ecstasy. It is estimated that five thousand were converted that summer in Brunswick, Sussex, and Amelia counties. In the West, where the distances were greater, the revivals took the form of camp-meetings, attended by the people for miles around.

Revival meetings

In 1784 the Catholics had within the colonies a total membership of 30,000; 16,000 being in Maryland, and but 600 in New England. There were about 1700 in New York, as many in New Jersey, and 7,000 in Pennsylvania and Delaware, with a small number of French Catholics at Vincennes and in the Illinois country. The Catholic clergy were almost without exception supporters of the colonies in the struggle with Great Britain. At the close of the Revolution they sought a superior for the church, but did not think the time propitious for a bishop. The Pope, approving these views, appointed John Carroll of Maryland Prefect Apostolic of the American Church, and

Roman Catholics

Mostly loyalists

Bishop Carroll

1770–90

Catholicism after Independence

he it was who was destined to become in 1790 the first American bishop. The first service in New York after the evacuation was celebrated by Father Farmer, who had gone from Philadelphia for that purpose. At first mass was said in a room over a carpenter shop, then at the residence of Don Diego Gardoqui, the Spanish minister. The corner-stone of St. Peter's in Barclay Street was laid by Gardoqui in 1786, and Charles III. of Spain contributed $10,000 to the building.

The Baptists

In 1770 there were about one hundred Baptist churches in America, but not all of these had pastors. The numbers increased during the war, but in 1784 the total membership was not much greater than 35,000. Among their ministry were men noted for their ability and piety. Dr. Samuel Stillman, the popular pastor of the First Church in Boston, was said by his hearers to be the most eloquent and thoroughly beloved of all Baptist clergymen. The dignitaries of Boston, with Adams, Hancock, and Knox, were attentive and edified hearers of his expositions of redemption and his denunciations of original sin. James Manning was another famous New England divine, who prepared the case for the Baptists in their appeal to the Continental Congress in 1774, by which they sought to overthrow the establishment of the Congregational form of worship. The church did good service in the South in opposition to the various attempts made to re-establish the Episcopal form, and was one of the rapidly growing sects in the West and South.

The history, traditions, and sympathies of the Presbyterians led them to an almost unanimous support of the patriot cause. In their churches were members whose ancestors had learned the lesson of freedom in Holland; others descended from the French Huguenots who had found a refuge in America after the revocation of the Edict of Nantes; Scotch and Irish who had long been in revolt against the combination of church and state, not only in the mother country but here, where they had been quick to raise the alarm against an American bishop. Presbyterian pastors took an active part in the Revolution, during which many of their churches were destroyed and congregations dispersed. The Presbyterians were among the leaders in the movement to secure the separation of church and state, and were equally active in their opposition to slavery.

The Presbyterians

The industrial growth of the colonies was hindered in the earlier days by the want of capital, the scarcity of skilled labor, the abundance of raw material of some sorts and the total lack of it in other cases. Time was necessary to produce materials in quantities sufficient for manufacturing purposes. Moreover, by the necessities of their own circumstances, the first colonists became an agricultural people; and only in those localities where a poor soil drove the farmer to other pursuits to eke out a scanty income, or where ordinary manufactured articles could not be obtained, was there any departure from this rule. Manufacturing in England had just begun to pass beyond the

Slow growth of colonial manufactures

domestic stage at the time of the Revolution, and up to this time the colonial industrial life had been similar to that of the mother country. American manufactures had thus to pass through two periods of change: one due to the Revolution, with its consequent change of markets, of exports and imports; the other to the gradual change from the domestic to the factory system.

Changes in manufacturing

Many products of the colonies were marketable without great labor. The forest furnished ship supplies of the best grade; in Virginia and Maryland the tobacco crop engrossed all labor and capital for a time, but gave way, before the close of the Revolution, to other crops, chiefly grain and meats.

Raw materials

In New England, shipbuilding and the attendant industries added much to the resources of the people. The town of Scituate, Massachusetts, had in 1770 over thirty vessels engaged in the mackerel fishery. By 1750 Salem, the port next in importance to Boston, cleared annually one hundred and thirty vessels in the foreign trade. The marine society incorporated there in 1771 furnished many noted navigators; most famous among them was Nathaniel Bowditch, whose *Practical Navigator* was found in every British and colonial craft the world over. The shipwrights of Newburyport built the Continental frigates *Hancock* and *Boston;* and from the yards of Salisbury was launched the beautiful frigate *Alliance,* the favorite war-ship of the Revolution, named in honor of the French treaty.

New England marine industry

New London was the most important shipbuilding town in Connecticut, though the industry flourished at Essex in Saybrook township, where the *Oliver Cromwell* of twenty-four guns was built in 1775. At Essex the first submarine, the *American Turtle,* was planned by the ingenious David Bushnell. It could be raised and lowered at will, and rowed horizontally at any depth in the water. Bushnell's invention succeeded in 1777 and spread the fame of the inventor abroad, adding somewhat to the terror inspired by the fleet of kegs which he launched against the British shipping at Philadelphia that same winter. These were in fact floating torpedoes, and might have accomplished their purpose but for the ice. As it was, the only effect produced was a humorous poem by Francis Hopkinson, describing the fright of the English and entitled "The Battle of the Kegs."

Connecticut shipbuilding

Submarines

Newport was the centre of varied and extensive industries. In 1769 there were seventeen sperm-oil refineries and candle factories, and half a dozen rope-walks. Eighteen West-Indiamen entered her harbor in one day, and so prosperous was the outlook that no Newport man would admit that New York might one day rival his native city.

Newport's importance

At Portsmouth in Maine, the *Raleigh* of thirty-two guns was built in 1776; the *Ranger* of eighteen in 1777; and in 1782 the *America* of seventy-five, perhaps the nearest to perfection of all products of American shipyards. She was

Portsmouth's shipbuilding

destined as a present to the King of France, and was actually presented, but soon afterward was taken by the English.

It was estimated by Governor Tryon that New York built for English buyers in 1774, shipping of 30,000 tons. Congress ordered two of the thirteen frigates contracted for in 1775 to be built at Poughkeepsie. These never reached the sea, because of English control; and were burned in 1777, when it seemed likely that they would fall into the hands of Burgoyne. The *Empress of China,* which left New York in February 1784 for far Eastern waters, was the first American vessel to visit China; and the narration of her voyage aroused universal interest.

NewYork shipbuilding

The reputation of the naval architects of Philadelphia was deservedly high. Iron was convenient, and ship supplies could be obtained easily from the southern colonies. It was at Philadelphia during the earlier period of the Revolution that the question of steam propulsion was most discussed. As early as 1773 Oliver Evans applied the high-pressure engine to locomotion, both by land and by water; and in the minds of many competent judges, may claim the first practical steamboat. In 1776 a Mr. Henry of Lancaster made drawings for a steamboat, and in 1778 Thomas Paine recommended to Congress the construction of steamboats according to the English model of 1736. John Fitch of Connecticut completed his model in 1785, and soon afterward tested it on the Schuylkill. In May of the same year he

Philadelphia's

Steamboats

I have given my Country a most Valuable Discovery on the 20 of August 1785, for which I have received no Compensation, and I doubt not but common justice will induce them to do something for me, especially when they can do it for the benefit of our Compare ——

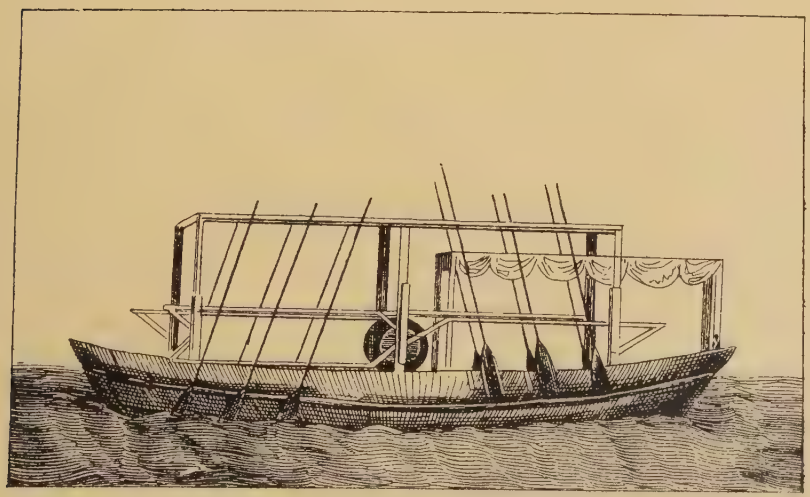
Another inducement which urges me to persue this Scheme is, to put it out of the power of future Generations to make excuses for the present one — And if I should die in penury, want, wretchedness and Rags, that my country may have no excuse; and that I may have the secret pleasure, in the Contemplation of receiveing real gritty from future Generations.

all which is humbly submitted to the Company

By

25 Dec^{r} 1790

John Fitch



Plan of M^{r} Fitch's Steamboat

experimented with it in the Delaware, and in the following year secured the sole right to his invention for fourteen years. Defects in the size of the wheels, in the weight of the engine, and in general proportion, seem to have been the reasons for Fitch's failure. James Rumsey experimented with a boat in 1787, and competed with Fitch for the honors of the invention without winning his laurels.

Fitch's and Rumsey's steamboats

In the northern colonies paper-making received much attention. A paper-mill was started at Providence in 1765, and three years later one in Connecticut was subsidized by the colonial government. The Dunkers at Ephrata had a paper-mill and press, from which they contributed an entire edition of Fox's *Book of Martyrs* to furnish cartridge paper for the American soldiers at the battle of Brandywine. Three paper-mills were in operation at Milton, Massachusetts, by 1796, and there were twenty within the State. Paper was scarce and dear, and materials for it hard to get. Programmes and invitations were often printed upon the backs of playing-cards, which were then made blank; and one enterprising Boston printer printed ballads on the backs of papal bulls and indulgences of Urban VIII. taken on a Spanish ship. From various sources it is estimated that the mills of Pennsylvania, New Jersey, and Delaware produced a quarter of a million dollars' worth of paper in 1787.

Paper manufacture

The manufacture of glass was attempted at an early day, but for a considerable period with

Glass

indifferent success. Non-importation, which followed the Townshend acts, increased the industry somewhat; but in 1783 Lord Sheffield thought little of the glass works in Pennsylvania, and reported that poor window glass was made in New York, but that only bottles were made in appreciable quantities. From 1786 to 1788 there was a rapid advance, chiefly in New York, Massachusetts, and Connecticut. Brissot de Warville found at Alexandria, Virginia, a glass factory employing five hundred men, with an annual output worth £10,000. An eight-pot furnace for bottle glass was in operation at Pittsburg in 1795; and green glass, flint, and window glass were made there soon afterward.

Glass manufacture

The founders of the Southern colonies expected much from grape and silk culture. An examination of climate and soil showed that both might be raised; but the fact overlooked was, that both are to a great extent the product of an old civilization. They require care, patience, and time; and the men who subdued the wilderness had first to satisfy their positive needs rather than produce luxuries. Virginia, Massachusetts, Delaware, and Pennsylvania were interested in grape-growing. From Carolina, wine was sent to England in 1682 which was thought much of, but the production soon ceased. Substantial premiums were offered by scientific societies, but without appreciable gains. The French in the West made wine from the native grapes to the amount of 110 hogsheads in 1769.

Wine and silk culture

Virginia passed an act in 1662 awarding a bounty of fifty pounds of tobacco for every pound of wound silk. Four years later the bounty was withdrawn because of the large number claiming the benefit of it. Berkeley believed that with Italian weavers and dressers, they could make large quantities of silk. Andros encouraged the production, but Nicholson was opposed to it. Georgia in the early days was much given to raising silk. Governor Oglethorpe obtained eight pounds of raw silk in 1734; and so rapidly did production increase under the influence of bounties, that in 1750, 300 pounds were received from the Germans at Ebenezer and from Whitefield's Orphan Asylum. This amount was increased to 15,000 pounds in 1760. Silk raising was abandoned at the Revolution, since the chief market for the product was in foreign countries, as but little spinning and weaving was done in the colonies. In Connecticut the industry was kept alive chiefly through the exertions of President Stiles of Yale and Nathaniel Aspinwall. A company was incorporated in 1788 for the manufacture of silk, and the following year Mansfield won some distinction by the amount of raw silk produced.

Silk industry

Culture abandoned

Manufacture developed

The manufacture of cloth was one of the earliest forms of industry resulting from the needs of the colonists. During the period of domestic manufacture, the number of people who could make the coarser grade of cloth was very large in proportion to the number of inhabitants. The factory tends to make something of a specialist

Cloth-making

of every worker, and the person outside knows nothing of the craft. It was not so in the early days, nor in the West at the beginning of the nineteenth century. The spinning-wheel and hand-loom were familiar tools to many. Yorkshire men set up a fulling establishment at Rowley, Massachusetts, as early as 1638. They did not confine themselves to woolen, but worked with flax and cotton, which came from Barbadoes. The German immigrants in Pennsylvania made linens and woolens chiefly.

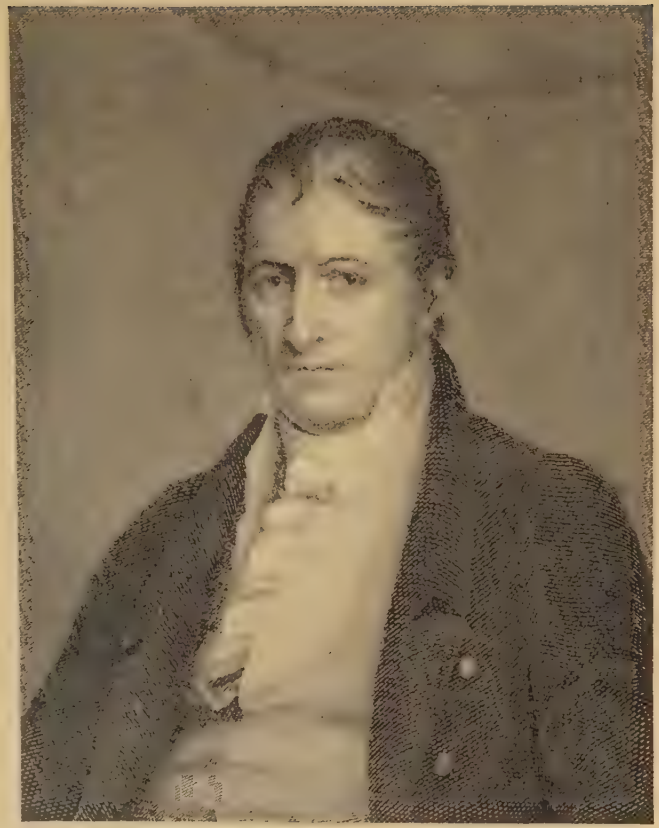
Early cloth-making

Indigo was one of the chief products of the South at this time. The amount produced annually increased from year to year until 1794, when 1,500,000 pounds were exported. With the introduction of machinery the cotton crop became more valuable, and rapidly took the place of indigo. Cotton was exported from Charleston in 1742, and again in 1752. Various forms of the roller-gin were in use, until Whitney's saw-gin revolutionized the preparation of cotton for the market and made it the principal product of the South. During the Revolution, particular attention was given to the production and manufacture of wool and cotton; but progress was hampered especially by the want of machinery and machinists. Parliament prevented by every possible means the export of English machinery, or even of English ideas. In 1786 a set of small models in brass of Arkwright's machines, which was in shipment to Tench Coxe of Philadelphia, was seized by the British government. At the same time the United

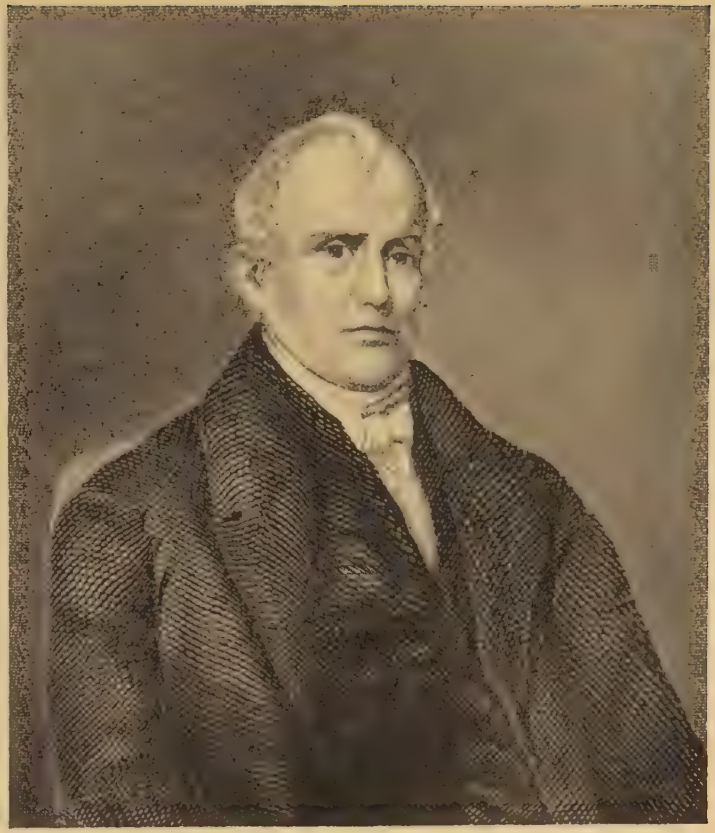
Indigo culture

Cotton and wool manufacture

Machinery hard to obtain



ELI WHITNEY.



SAMUEL SLATER.

States must buy the goods or manufacture them, must consume their own raw material or see it waste for want of market, while the country was being drained of its specie to pay for English products.

In 1786 Robert and Alexander Barr, Scotch machinists, made for Hugh Orr at East Bridgewater, Massachusetts, carding, roping, and spinning machines. The next year the first New England cotton factory was opened at East Beverly, which De Warville describes as flourishing in 1788. Samuel Slater was the father of cotton manufacturing in America. He had been a superintendent in the factory of Sir Richard Arkwright, and came to America in 1789. Early in the following year Slater entered the service of Almy and Brown, building for them a cotton-mill at Pawtucket, which was in successful operation by 1793.

Cotton manufacturing

The leading industry of the United States, the production of iron, was also one of the first to be attempted. Like other colonial enterprises, lack of capital and expensive labor seriously hampered development; but by Revolutionary times, the handicraft trades and several of the more advanced forms of manufacture were carried on. There was no exportation; but small firearms, edge tools, cannon, nails and tacks, and some forms of simple castings, were made before the Revolution. Bar and pig iron were exported in large quantities. With the beginning of the Revolution, all forms of iron manufacture were fostered, and an immense advance was made before the peace;

Iron manufacturing

but the industry declined at the close of the war, to be revived again by the first tariff act.

United States colleges

The colleges of the colonies before the Revolution were, in the order of their founding, Harvard, William and Mary, Yale, Princeton, Pennsylvania, Columbia, Brown, Rutgers, and Dartmouth. All were materially affected in resources and operation; the student body decreased greatly in numbers or was broken up; and it was not until some time after the end of hostilities that these institutions adjusted themselves to the new conditions. Both parties were represented to some extent in all the colleges, but the patriotic party was greatly in the majority. In 1768 the students of Harvard resolved to take their degrees in the "manufactures of this country," for which they were greatly applauded. Some of the students of the Tory party even went so far as to bring "India Tea," which they drank in Commons; a practice which usually ended in a row. When the General Court removed to Cambridge, many of the students deserted college life for politics, and the tutors had great difficulty keeping them within bounds. When the militia began to gather about Boston in 1775, the college buildings were given up to the army and the classes removed to Concord, where they remained for about fourteen months. The legislature of Massachusetts in 1776 advised the corporation of Harvard to appoint as governors and instructors only those whose political principles were worthy of confidence, and dismiss those who were unfriendly to

Their politics

Harvard's patriotism

the interests of the colonies. The period immediately after the Revolution was devoted almost solely to recovery from the ravages of the war.

The College of William and Mary owed its success primarily to the talents and industry of the Rev. James Blair, by whose efforts the royal charter and grant of £2000 for buildings were obtained, and other sources of permanent income were secured. The leading planters of Virginia contributed generously to the support of the new institution, and at the time of Blair's death in 1743, the college was firmly established. There were before the Revolution four schools: one of divinity; one of natural philosophy and mathematics; a grammar school for instruction in the ancient languages; and an Indian school which had from eight to ten pupils, maintained by the foundation of Robert Boyle. The number of students was almost seventy, and the annual income about £4000. The endowment of the college was almost entirely swept away during the Revolution by the loss of property and the depreciation of the currency. Classes were suspended in 1781, when the college buildings were occupied in succession by the British, and the French and American allied troops. The organization was changed by abolishing the grammar school and the chairs of divinity and Oriental languages, and creating professorships of law, of medicine, and of modern languages.

William and Mary

Probably no other college in the country can show, in proportion to its graduates, so long a

list of distinguished men. Of the seven signers of the Declaration from Virginia, five were her sons. Peyton Randolph, president of the first Congress; Edmund Randolph, the first Attorney-General of the United States; John Marshall, the greatest Chief Justice; Jefferson, Monroe, and Tyler among the Presidents,—were educated in her halls; and here also was organized the Phi Beta Kappa society, the oldest college fraternity, in December 1776. The first meeting was held in the Apollo Hall of the old Raleigh tavern, made famous also by the eloquence of Patrick Henry.

Famous graduates of William and Mary

Of the one hundred and sixty-four students of Yale College in 1775, the greater part believed with Doctor Stiles that there should and would be a "Runnymede in America." The news of the battle of Lexington made it impossible for the students to pursue their studies "to any profit." The next day the college "broke up"; many of the students visited the camp at Cambridge, and some of them enlisted. College work was begun again in June by many; but the military spirit was among them, and a company was formed, which was noted for its warlike bearing and later saw some service. In 1777, owing to the difficulty of obtaining provisions, the classes were moved to Farmington and Glastonbury, and the year closed without a public commencement. There was no little difficulty arising from the depreciation of the currency and other economic disturbances. The classes were at work again at New Haven early in 1778, and the regular examinations and

Yale College

Its military company

THE OLD RALEIGH TAVERN WHERE THE Φ B K SOCIETY HELD ITS ANNUAL MEETINGS.

exercises took place in June. Among those who received diplomas were Joel Barlow, land-agent, diplomat, and poet; Noah Webster; Oliver Wolcott, later Secretary of the Treasury; and Uriah Tracy, a member of the United States Senate. From Yale also came Dwight, Humphreys, and Trumbull, the other members of the group of the earlier American poets.

Famous graduates of Yale

The College of New Jersey at Princeton had its inception in the famous "log college" of William Tennant, a native of Ireland and a regularly ordained priest of the Established Church. He came to America in 1716; was admitted two years later to the synod of Philadelphia, and founded the Neshaminy church, to which the Log College was an adjunct. To George Whitefield it seemed like the schools of the prophets. From it earnest, pious teachers and preachers came; and the signal success of so humble an effort proved, better than any other possible argument, that the church need not depend upon England or other European countries for the training of her ministers. The college was incorporated under the first charter in 1746; in 1748 a new charter was obtained, placing the control of the college under a group of trustees, of which the governor of the province was *ex officio* president. There were twenty-three trustees, twelve of them ministers; six graduates of Yale, three of Harvard, and three of the Log College. Princeton was fixed upon for the home of the new institution in 1752; and in 1756 President Burr began the first session in

Princeton College

Princeton College, with seventy students. The success of the earlier years of the college was greatly increased by the advent as president in 1768 of Dr. Witherspoon, whose influence was of the utmost value to his young associates and the country at large. William Paterson, Luther Martin, Oliver Ellsworth, and James Madison were among the hundreds whom his patriotism and piety inspired.

Famous graduates of Princeton

The royal charter establishing King's College, now Columbia, was granted in 1744; the organization of the board of governors was eleven years later; the first college building was begun in 1756, and when completed it was said by Dr. Burnaby to be "exceedingly handsome, the most beautifully situated of any college in the whole world." In 1773 the course of study was said to compare favorably with those of European institutions. Instruction was given in divinity, natural law, physics, logic, ethics, metaphysics, mathematics, natural philosophy, astronomy, geography, history, rhetoric, Latin, Greek, and the modern languages, and whatever else in literature tended to "accomplish the pupils as scholars and gentlemen." The prevailing sentiment in King's College, notwithstanding its Tory tendencies, was for the patriotic side. Hamilton, Jay, Livingston, and Benson were among the leaders. The college building was taken in 1776 by the Committee of Safety for the use of the militia, and by haste and carelessness the apparatus and library were seriously damaged. In 1784 the name of the

Columbia College

Famous graduates

college was changed to Columbia, and a form was given to it to accord with the ambition of the State. Four faculties or departments were planned,—divinity, arts, law, and medicine; all upon an income of about £1300. The officers were very active in promoting the welfare of the college by soliciting State and private aid. A new charter, obtained in 1787, changed the original organization and made possible a more prosperous life. William Samuel Johnson, son of the first president of the college, was chosen as the head of the institution under the new charter.

New charter of Columbia

Brown University, now of Providence, Rhode Island, was incorporated under the cumbersome title of "The College or University in the English Colony of Rhode Island and Providence Plantations in America," with the very desirable permission to the incorporators to change the name if they saw fit. The charter was obtained in 1764, and in many of its provisions varied materially from the usual form. The college was to be denominational only in the sense that the Baptists were to be the directors of its policy. The president, twenty-seven of thirty-six trustees, and eight of twelve fellows, were to be members of that denomination. Instructions of an academic character were begun at Warren in 1764 by James Manning, the first president. Three years after the removal to Providence in 1770, the college classes contained thirty-five students, and there were eighteen in the Latin school. There were two instructors; one of whom, David Howell,

Brown University

became prominent later in State and national politics. The tuition was twelve dollars a year, and board could be had for one dollar a week. From 1776 to 1782 the buildings were used by the State for the militia, and later as a hospital by the French allies. The name Brown University was given in 1802 in honor of Nicholas Brown, a distinguished and generous alumnus.

Brown University

Queen's College, now Rutgers, was founded in 1796 at New Brunswick, New Jersey, as a seminary and college of the Dutch Reformed Church. During the Revolution the classes were moved from place to place when the State was overrun by troops of both parties, and the institution was kept alive; but actual work was suspended in 1795 for a period of twelve years, when the college again opened its doors, and from that time has had a career of honorable and useful activity.

Rutgers College

Dartmouth, the last of the pre-Revolutionary colleges, began with an attempt by Rev. Eleazar Wheelock to establish a school for Indian boys at his home in Lebanon, Connecticut. His success spread the reputation of the school at home, and secured recognition abroad. In 1763 Dr. Wheelock determined to remove to some point nearer the frontier, and many advantageous offers were made of land and money. Hanover, New Hampshire, was chosen because of its convenient location and natural beauty. A charter was granted by George III., and the aid of Lord Dartmouth enabled the president to begin active work in 1770.

Dartmouth College

Before Wheelock's death in 1779 seventy men were graduated, many of whom became prominent in politics, in business, and in church. The college had many trials, and only the indomitable courage and persistent faith of its founder kept it alive. The requirements for admission and the courses of study were similar to those of Harvard and Yale.

Dartmouth College

In the last quarter of the eighteenth century, thirteen colleges were planned or founded. There was a general readjustment of both higher and elementary instruction, and particularly in the public view of the relation of the school to the state. Many of the public schools, as they would be classified to-day, were then for pauper children; and complaints of the inefficiency and even vices of the teachers were constant. Judged by the results, however, the case could not have been so bad; and especially in a time when only the rudiments of education were considered necessary, or advisable even, for the great majority of men. To be able to read, to write, and to do the ordinary business of life, were qualifications enough; and indeed, were often the greatest that circumstances permitted. The college was in general for the professional man, for the student of theology in particular; for others who could afford it, but by no means considered an essential. Again, many of the influences and conditions of the new country made a high state of culture or education impossible among the many, except by contact through religious, political, and social relations;

Colleges and schools 1775–1800

College life in eighteenth century

and it was this self-education through association with nature and men that was the salient trait of the American pioneer. College life, athletics aside, presented many forms which characterize it to-day. Discipline was stern and often swift. The subjects of the student's study were few in number; of aids to the teaching of experimental sciences, there were practically none. Disputation and debating societies were the usual forms of student literary activity. In the more elementary work, text-books, when compared with those of modern times, were unattractive and few in number; school surroundings were forbidding; that the student held the teacher to be his natural enemy, whom to outwit was his chief delight, was part of a curious tradition still vital in England, and often unreasoningly copied here.

Population

The population of the United States in 1783 was about 3,250,000. An estimate of the white persons made in that year for purposes of assessment showed about 2,500,000, and seven years later the first census returns gave 3,900,000. The five Southern colonies contained about half of the people. Industrial activities had not yet made sufficient advance to lure men from the fields to the towns, and for the simple life of the day a farm was sufficient for all necessities. The crops on a New England farm were small and various as the kinds of soil which produced them, and there was comparatively little for export; while in the middle colonies, especially under the improved forms of cultivation found there, large

Agriculture in New England

quantities of grains and other products were produced for foreign and domestic trade. In the South the large plantation was the rule; for where slaves were cultivators, profits depended upon large areas and few products. The life of the planter was as different from that of the New England farmer as the plantation was different from the New England farm. In the North the farmer and his sons worked the soil themselves, and in foreign communities the women continued the outdoor work to which they had been accustomed. In the South the superintendence of the large plantations, even through overseers, occupied if well done all of the owners' time.

Agriculture South and North

The cities of most note were Charleston, Baltimore, Philadelphia, New York, and Boston; though others like Williamsburg, Richmond, Providence, Newport, or Albany had many individual attractions because of their social or commercial activities. In Charleston the culture and refinement of the Old World received an added charm from the hospitality and graciousness characteristic of the upper classes of the south. Many of the young men were educated in England, some were admitted to the bar or engaged in other pursuits before returning to their native land; but with the outbreak of the Revolution they came back, and after the close of the war were prominent in the gay social life of this most fascinating city. Charleston was famous for its musical societies and concerts. It was famous also for the races, which were the favorite amusement; every

Chief cities

Charleston

one attended from the lowest to the highest; classes were dismissed for want of students, and judges adjourned court since lawyers could not be found to try the cases.

Races at Charleston

In Baltimore, social life was simple and enjoyable. Not more than half a dozen four-wheeled carriages were used before 1800, and riding on horseback was common, even in full dress, to places of entertainment; the split coat-tail is an amusingly tenacious memorial of this practice in England. The dancing assembly flourished here as in Philadelphia, and was kept up by subscription. The old Fountain Inn was a favorite meeting-place; and as this was next to the Light Street Methodist Church, the ceremonies often conflicted. Other meeting-places were in Lovely Lane, where good cheer and merriment found a home; and according to one writer, "Where every patron saint of the different peoples, St. George, St. Andrew, St. Patrick, St. David, and even St. Tamina, came in for full measure of joyous commemoration." Another compares the growth of Baltimore to that of a chubby boy bursting out of his clothes in spite of tucks and broad selvages. On Market Street a long row of low-browed, hip-roofed wooden houses stood in a disorderly fashion, like a militia regiment on annual training day; here and there a mansion of brick, with windows like the multiplication table and great wastes of wall between. The New Theatre was opened in Baltimore in 1786, and thereafter contributed greatly to popular enjoyment.

Social life in Baltimore

Its houses

After the evacuation of New York by the British troops, the exiled members of the patriot party returned to find their city in disorder, and their homes defaced by the ravages of war. Several of the churches had been used as hospitals, trees had been cut down, cattle grazed in the open squares, and the ruins of the fire of 1776 were still unrepaired. The people at once began to rebuild the city; the reorganized Chamber of Commerce stimulated business activity, and in the spring of 1785 the city became the seat of the Continental Congress, which added a new stimulus to social life. House rents were doubled, importations increased, and interest in fashions multiplied. One effect first noted was the scarcity of specie, which here as in other cities resulted from the great purchases of foreign goods. "Oh Cash, why hast thou deserted the standard of Liberty, and made poverty and dissipation our distinguishing characteristics?" was the complaint of one economist. To foreigners the display did not seem great. John Jay, who had just returned from a foreign mission, saw nothing alarming about the extravagance, or appalling in the dissipation with which he came in contact. "Our men," he said, "for the main part mind their business and our wives their families."

New York after the Revolution

Dissipation relative

Stages ran to Albany twice a week by Bowery Lane and the King's Bridge Road. For three days, from five o'clock in the morning until ten at night, the unfortunate who was compelled to travel was bumped over the rough roads. The

Travel

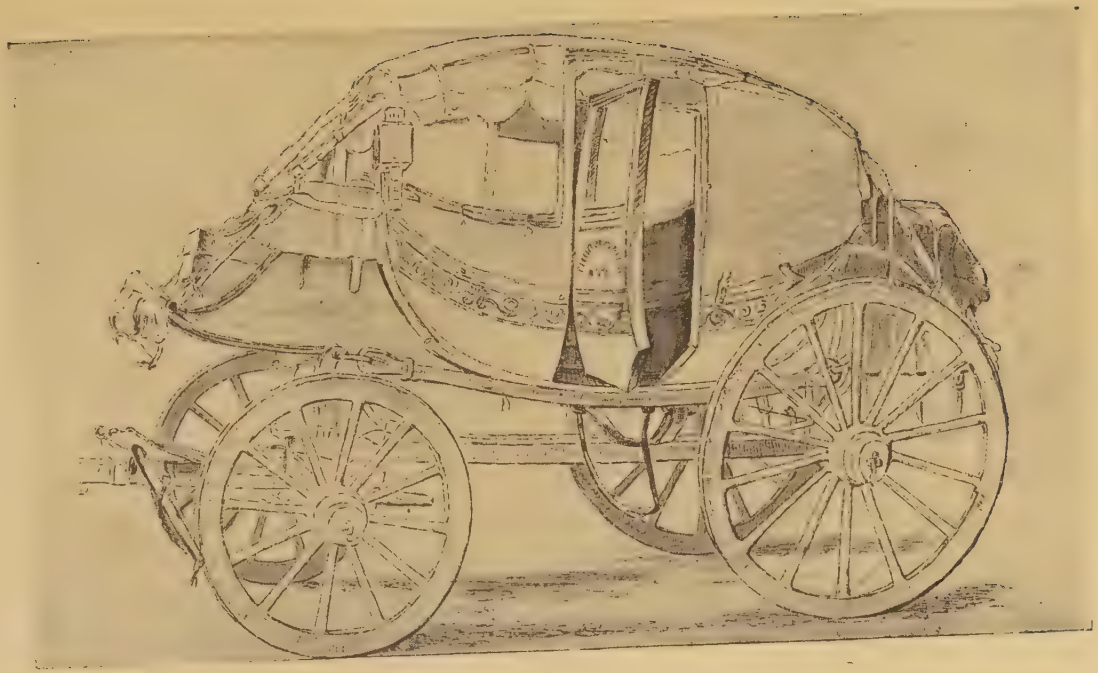
Transportation

Boston stages left tri-weekly, and barring accidents made the trip in six days. There were daily stages to Philadelphia, some of these coaches drawn by four horses and built to accommodate twelve persons; the fare was fourpence a mile. In 1783 the greater part of New York was east of Broadway, which was then the fashionable drive, while Wall Street was one of the "elegant thoroughfares." The John Street Theatre was reopened in 1785, and was long the principal place of amusement. There were many objections to it from the standpoint of economy and morals. Said one objector, "Why waste money on the sinful amusements of the theatre so long as the sacrifices of patriots are unrewarded, the Revolutionary debt unpaid, business unorganized, the town in ruins, interest charges great, and want impending?" One might get a half-day of recreation by carriage ride to Murray Hill, and a whole day's picnic at Harlem, with the fare both ways costing no more than fifteen shillings ($1.87\frac{1}{2}$).

New York recreations

The Loyalists

The story of the loyalists or Tories is one of the unpleasant topics of Revolutionary study. In their ranks were to be found many men of education, family, wealth, and personal influence; many who would have been willing to make great sacrifices of property for the privilege of returning unmolested to their former homes. These exiles fled to Canada, and the Bermudas and Bahamas, where the natives complained of the great rewards which they demanded as the price of their adherence to the British cause. New York contained



EIGHTEENTH CENTURY STAGE-COACH.

many Tories who were residents of the State, and others who had come there seeking protection of the British army; of the former were Chief Justice William Smith, Charles Inglis, rector of Trinity and later Bishop of Nova Scotia, Andrew Elliot, William Bayard, James De Lancey, and Philip Skene, whose immense estates were confiscated.

Confiscations

When the Whigs returned after the evacuation, they found, as one of them expressed it, "the royalists more numerous and much wealthier than the poor despised Whigs"; and they speedily set about to work a change. A meeting held at Fort Plain in 1783 resolved that Tories who had left during the war, or had been banished, should not be allowed in the district. The Sons of Liberty in March 1784 warned all Tories to leave New York by the first of May, and in the same year the Legislature disfranchised all who had adhered to Great Britain during the war; an act which was repealed in 1786. A trespass act was then passed, which permitted returning Whigs to sue for rentals of property during the British control, whether the occupation was due to military necessity or not. Under this act the celebrated suit of Elizabeth Rutgers *versus* Joshua Waddington was brought. Elizabeth Rutgers had left the city during the English occupation; she was a widow and poor, while Waddington was a wealthy Tory. The defense was undertaken by Alexander Hamilton: partly from the same motives that induced Adams and Quincy to defend the British

Whigs dispossess Tories

The great trespass lawsuit

Hamilton for defense

soldiers in the Boston massacre; still more because he felt that the country disgraced itself by repudiating the conditions of a solemn treaty. He won his case on this ground, and afterward over the signature of Phocion defended his actions in the public press. The Assembly, however, declared the decision contrary to all law and good order, and recommended the appointment of a mayor who would obey the laws of the land. The fight was waged bitterly until matters of greater moment attracted popular attention.

Hamilton's unpopular lawsuit

The friends of Philadelphia claimed for that city the fame of being the metropolis of America; a true cosmopolitan city, where one might hear all the languages of the globe, and might meet more strangers than elsewhere in America. The city with its well-built houses and paved streets was the object of the hopeless envy of its neighbors. At the door of each house were two benches, where in the summer-time the family gathered to receive their friends. There were a few coaches, many handsome road-wagons, and chairs in abundance. The streets were wide and straight, the town laid out in regular squares; but as the streets were unmarked and the houses unnumbered, a stranger had much difficulty in finding his way about.

Philadelphia

There was a great deal of luxury; fine carpets and hangings, plate and old wines, were not uncommon. Men wore three-square or cocked hats and wigs, coats with large cuffs and big skirts stiffened with buckram, with ruffles at bosom and wrist; closely fitting breeches with knee-buckles

American costumes

of silver, silk stockings, and shoes with large silver buckles. Woman's dress, then as now, was a constant source of wondering admiration to the members of the other sex. The huge hoops gave way to "bishops" stuffed with hair, or bustles of cork; these in turn to many petticoats of silk, half a dozen being no unusual number for the young lady of fashion. Hats were of many kinds, from the calash bonnet of green silk or black wagon bonnet, still hanging forgotten in many an attic, to the "muskmelon" bonnet, the Bath bonnet of black satin, horsehair bonnets, and the flat leghorn bonnet known as the "skimmer hat."

Woman's apparel

Buttons were worn wherever there was a possible reason for them, and were an indication of the wealth and standing of the wearer. Some were of silver with the owner's monogram or coat-of-arms; others were bone, horn, or similar materials. The economists of Pennsylvania were much alarmed at the great cost of imported buttons at the close of the war, and urged the employment of American workmen in American silver rather than purchases from abroad.

Buttons

Men and women delighted in contrasts of color. So good a democrat as Thomas Jefferson wore in Philadelphia, on his way to France, a long-waisted white cloth coat, scarlet breeches and vest, and white silk stockings. An "elegant negligée" or morning gown is thus described by one of the unsympathizing male critics:—"It was made of many yards of costly silk cut in pieces with the most licentious profusion; with things flapping

Brilliant attire

down each side which look as if the ladies had turned a most monstrous pair of silk pockets inside out, and drawn them through the pocket holes. The back part seems contrived by an upholsterer, and for the front how monstrous is the elegant fall of the petticoat deformed with flounces of massacred silk. Oh, barbarous murder of beauty and materials."

Women's clothes

The Marquis of Chastellux described the Quaker meeting-house in Philadelphia as a square without either altar or pulpit. He arrived just as a woman was holding forth, who was followed by a man talking much of internal grace and the illumination of the spirit, but not explaining his allusions. The audience seemed inattentive and listless. "On quitting this melancholy homespun assembly, the service of the English Church," says the Marquis, "seemed to me a sort of an opera; a handsome pulpit before a handsome organ, a handsome minister in the pulpit reading, speaking, and singing with a grace entirely theatrical; a number of young women answering melodiously from the pit and boxes; all this, compared to the Quakers, Anabaptists, and Presbyterians, appeared to me a little paradise itself rather than the way to it."

Quaker service

Vs. Anglican

To the Abbé Robin, who visited the country in 1780, Boston seemed like an old rather than a new city, with the long wharf, and the principal streets with their buildings two or three stories high. But these were not clumsy like those of European cities; not dark and melancholy, but

Boston

well provided with doors and windows. There were, according to his estimate, 30,000 people, and nineteen churches for the poor as well as the rich. The women were large and fair, the men well-formed and dignified. The New-Englander easily adapted himself to any situation in which he might be placed. Each house contained all the "necessary and original arts." Very few of the streets of Boston were paved, and sidewalks were unknown. In the older part of the town the houses were of wood, painted sometimes in bright colors, but oftener unpainted. In the better and newer quarter they were of brick, with large well-kept lawns. Much of the household furnishing was brought from England, and many families boasted of a few books, for the main part devotional, which they read repeatedly. Such were some of the surroundings in which the early America grew and prospered.

Boston

Another foreigner, for a time a resident of the country, thus describes the land and people: "Here are no aristocratic families, no courts, no kings, no bishops, no ecclesiastical dominion, no invisible power giving to a few a very visible one, no great manufacturer employing thousands, no great refinements of luxury. The rich and poor are not so far removed from each other as they are in Europe. We are a people of cultivators, scattered over an immense territory. We are all animated with the spirit of an industry which is unfettered and unrestrained, because each person works for himself. We have no princes for whom

A foreigner on America

we toil, starve, and bleed; we are the most perfect society now existing in the world." Then in a spirit of prophecy he adds: "He is an American who, leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds. He becomes an American by being received in the broad lap of our great *Alma Mater*. Here individuals of all nations are melted into a new race of men, whose labors and posterity will one day cause great changes in the world. The Americans are the Western pilgrims who are carrying along with them a great mass of arts, sciences, vigor, and industry, which began long since in the East: they will finish the great circle. The American is a new man who acts upon new principles; he must therefore entertain new ideas and form new opinions. From involuntary idleness, servile dependence, penury, and useless labor, he has passed to toils of a very different nature, rewarded by ample subsistence. This is an American."

The true American

CHAPTER LI.

THE GROWTH OF THE WEST

The western country, to the days of the steamboat and the railway, was a haven of refuge, a land of adventure and romance; and the people upon its ever-receding boundaries a border knight-errantry, to whom the wilderness life appealed with an irresistible force. This character the western country bears until the last echoes of Burr's attempt have died away; until the West at the centre of government becomes a tangible and ever-increasing power. Expansion is the keynote of our history. The Spanish and the French feared this lank, restless, adventurous western race; the Indians disappeared before them; they took possession of the northern provinces of Mexico, and only for a time did the shores of the Pacific prove a barrier. Expansion is as old as English settlement.

The West as land of adventure

As seat of empire

In 1716 Governor Spotswood crossed the Blue Ridge; in 1738 Augusta County was created, stretching from the Blue Ridge to the "utmost limits of Virginia." The Ohio Company, organized in 1747, obtained in 1749 a grant of half a million acres on both sides of the Ohio between the Monongahela and Kanawha, and about the same time the Loyal Company secured 800,000 acres. The Albany Congress of 1754, in the plan

Ohio Company

1754–66

of union recommended by them, provided for the founding and government of western colonies. Samuel Hazard, a wealthy merchant of Philadelphia, proposed to found a colony in the valley of the Ohio, and in 1755 had over 3000 persons engaged to remove to the western country. He proposed to obtain a charter similar to that of Connecticut, and to secure grants from the various colonial assemblies, for the purpose of making satisfactory Indian treaties and supporting the colonists in the beginning of their venture. Hazard died in 1758, and the plan was forgotten.

Hazard's colonization scheme

Dies with him

Shortly after the surrender of Fort Duquesne, it was proposed to found a colony to be called Pittsylvania, admitting all Protestants, and especially those who were of the classes mentioned by Samuel when describing the soldiers of King David: "And every one that was in distress, and every one that was in debt, and every one that was discontented, gathered themselves unto him." Somewhat later a colony was proposed between the Mississippi, the Ohio, and the Great Lakes, to be known as Charlottiana in honor of the Queen. Other propositions were made; but the proclamation of 1763, declaring the western lands reserved for the use of the Indians, brought these plans to an end for a time.

Pittsylvania

Charlottiana

The most pretentious scheme of all was that proposed by Governor William Franklin of New Jersey, concurrently with Sir William Johnson. Apparently three colonies were intended; one at Detroit, one in the Illinois country, and one

Franklin-Johnson plan

1766–72

Illinois colony falls through

further east on the Ohio. The Illinois settlement met with favor, and was under discussion from the autumn of 1766 to the spring of 1768, when it was abandoned—probably because of the opinion that settlements so far west would constantly be exposed to attacks from the Indians, and thus be a matter of considerable expense.

Ohio colony pushed

The Ohio scheme was now taken up and pushed vigorously by a company of which Thomas Walpole, Benjamin Franklin, Lord Camden, Thomas Pownall, Sir William Johnson, and Colonel Croghan were members. They petitioned for a grant of the land south of the Ohio which had passed into the keeping of the Crown by the treaty of Fort Stanwix in 1768. In 1770 the petition for the grant was presented to the King in Council, and by them referred to the Board of Trade, whence the whole plan was communicated to the government of Virginia. Virginia, through her governor, expressed the hope that previous grants would be respected, but did not presume to question the King's right to dispose of the lands as he saw fit. Some two years later the Board of Trade reported adversely to the whole plan, but their report was answered before the Council in an elaborate written argument by Franklin in favor of the grant, supported by an equally powerful speech by George Wharton, one of the petitioners. The project received the King's approval in August 1772, and the Indians were informed of the intended settlement, which they professed to approve.

Struggle over it

1773–5

In May 1773 Lord Dartmouth reported plans for the government of the new colony. The officers were to be appointed by the King and paid by the company, the governor's salary being £1000; a chief justice and assistants, an attorney-general, secretary, clerk of assembly, and two ministers were the other officers. To this new colony the name of Vandalia was to be given. The grant secured or absorbed the Indiana Company, the Ohio Company, and the lands given to the officers of the French war. Geographically, it included approximately the present States of West Virginia and Kentucky as far west as the Kentucky River. For two years more the matter was referred from office to office, not reaching its final form until 1775, when the question of land grants was crowded out by the greater question of the retention of the colonies.

Colony of Vandalia

Pending at Revolution

Another company was organized in August 1774 by nine North Carolina men, with Colonel Richard Henderson at their head. A treaty was made at Watauga in March 1775, by which the Cherokees ceded to Henderson and his associates a tract of land south of the Ohio, as far as the water-shed between the Cumberland and the Tennessee. Though warned off by proclamation of Lord Dunmore, and called an "infamous number of land pirates" by the governor of North Carolina, they persisted in their plan, and intending settlers soon became numerous; a form of government was set up, and a delegate appointed to represent Transylvania in the Continental Congress.

The Henderson company

Transylvania

1775–6

Henderson company ousted

But opposition sprang up in various quarters. A part of the purchase was incorporated by Virginia in the county of Kentucky, and North Carolina took possession of the remaining part; both States, however, compensating Henderson and his associates by other grants.

These were the most important attempts before 1776; but no sooner was the Revolutionary movement under way than proposals came from the people themselves. The lands in question, about the head-waters of the Ohio, were claimed by both Virginia and Pennsylvania, but no matter how the dispute was decided, the inhabitants were far from the seat of government. In view of these facts, the people about the "western waters" proposed in 1776 to form themselves into a State, establish a form of government, divide the country into counties, and hold elections for local officers and for two members in Congress. A petition was prepared to Congress, praying that the county be constituted a "separate, distinct, and independent province and government, by the title and under the name of the 'Province and Government of Westsylvania.'" This State was to be the fourteenth sister of the Confederacy; but notwithstanding the 25,000 inhabitants claimed, and other good reasons advanced, there is no evidence that Congress answered or considered the petition.

Ohio Valley settlers want statehood

Westsylvania

Soon afterward Silas Deane suggested to Congress that the western lands might be made to pay the expenses of the war, provided a company were organized to sell them. There were matters of

Lands as a war fund

1775–7

greater importance which forced themselves upon the attention of Congress; and besides, the colonies interposed the claims under their charters, thus preventing Congressional action until the status of these pretensions could be determined.

Western lands—Congress vs. colonies

The American Revolution roused the sympathy of the French people, and a genuine enthusiastic love of liberty animated many of the French officers who served in America; but the policy of the government was marked from the first by the spirit of cold calculation. To humble England; to continue the war until both parties were exhausted; to qualify the independence of the colonies, and confine them to the eastern slopes of the Alleghanies; to reward Spain for her assistance by the hope of recovering Gibraltar, Minorca, and Florida; and to seize the lion's share of the booty for France,—such was from the first the policy of Vergennes. In accordance with this the treaty of alliance was signed; but soon thereafter an attempt to conciliate the colonies was made by Great Britain, greatly to the alarm of France and Spain. Count Florida Blanca, the Spanish minister, proposed an agreement with England which should give to Spain all the territory south of the Ohio, and to England that north of the same river, thus confining the colonies to the Atlantic slope. To the various attempts at restriction, Congress replied by stating definitely the claims of the Confederacy to the free use of the Mississippi, and the territory included between the parallels of thirty-one and forty-five degrees, ceded to England

France and the American Revolution

Vergennes' idea

Florida Blanca's

Congress'

1776–9

by the treaty of 1763. It refused to consider the advances of the British government; and the brilliant scheme of Florida Blanca failed, to the great satisfaction of France, which was not then in a position to control the situation.

Colonies refuse to yield their birthright

While this web of intrigue was spinning in Europe, events of no less interest were taking place in New Orleans. During the bloody early days of the governorship of Don Alexander O'Reilly, when provisions were scarce, one Oliver Pollock of Baltimore arrived at New Orleans with a cargo of flour, which he offered to the governor on his own terms. O'Reilly took the flour; paid a good price for it; promised Pollock that his generous conduct should be mentioned to the King of Spain, and granted him the privilege of free trade to Louisiana. Thereafter Pollock was in high favor with the Spanish authorities; and as soon as American independence was declared, began to work actively in the cause of the colonies. In 1776 he purchased 1200 pounds of powder, shipping part by sea and part up the river to Wheeling, a voyage of nearly eight months. During 1777 he was plotting attacks upon the British posts in East and West Florida. Patrick Henry, then governor of Virginia, urged the opening of trade; Captain James Willing of Philadelphia, acting under a commission from Congress, invaded the Tory settlements about Natchez; and after the declaration of war between England and Spain, Don Bernardo de Galvez, the Spanish governor, obtained control in 1779 of the British posts on the east

Governor of Louisiana conciliated

To profit of Revolutionary equipment

United States and Spain against English Florida

1776-9 bank of the Mississippi and of Florida, as far as the Pearl River. The following March a successful attack upon Fort Charlotte, on the Mobile River, extended Spanish rule to the Perdido.

Spain re-occupies Florida

During this time settlers had been coming in increasing numbers to the western country. Questions of boundaries, of the navigation of the great rivers, and of an adequate government, forced themselves upon public attention. It will be remembered that the Articles of Confederation, as submitted in amended form July 12, 1776, prohibited the purchase of Indian lands until the claims of the States had been determined, and that when fixed, the boundaries of these lands were to be guaranteed by the Confederacy. The right to purchase lands outside these limits for the benefit of the States was reserved to Congress; and by this right a resolution was adopted, September 16, 1776, to grant lands beyond the mountains as bounties for enlistments in the Continental line.

Congress' rights to western lands

The States at once opposed the plan, with such success that a clause was added to the ninth of the Articles of Confederation, to the effect that no State should be deprived of its lands for the benefit of the United States. Nor did this plan benefit especially the landless States. If the lands purchased by the Confederacy were paid for by the customary requisitions upon the States, those who had territory for sale would have their treasuries enriched by the contributions of their less fortunate neighbors. Maryland was quick to see this point; and through her delegates in Congress,

Contested by States

1779–82

Articles of Confederation and western lands

expressed the opinion that the country "wrested from the common enemy by the blood and treasure of the thirteen States should be considered as common property, to be parceled out by Congress into free, convenient, and independent governments." The smaller States, Delaware and New Jersey, added their protests, but finally signed the Articles of Confederation. Maryland withheld her signature until some satisfactory solution of the land question should be found.

State claims westward

West of the mountains the claims of the States extended to the Mississippi. Massachusetts and Connecticut, under their charters as modified by subsequent grants and treaties, were the prospective owners of 95,000 square miles of land. The rights of New York were based upon treaties made with the Six Nations, the provisions of which were supposed to extend to all tributary tribes. Within the present limits of the State of New York there could be no question of the power of the Iroquois; but beyond, their influence was a variable quantity not to be estimated in exact terms. West of Pennsylvania and north of the Ohio would be as precise a definition as could be found.

Iroquois overlordship

Virginia's claim

Virginia was by far the largest claimant. The charter of 1609 had given to the London Company a tract of land two hundred miles north and two hundred miles south of Point Comfort, and "up into the land throughout, from sea to sea, west and northwest." Making proper allowance for the claims of Connecticut and Massachusetts, and assuming what the charter left undefined, that the

1776–9

upper boundary line of the province ran northwest, the greater part of the Ohio Valley and the region of the Great Lakes would fall to Virginia. To the southward only the lands of North Carolina concern us for the present. The claim of Georgia, which is of great interest because of the many questions involved, belongs to the Constitutional period of our history. In August 1779, the disputed boundary between Pennsylvania and Virginia was settled by extending Mason and Dixon's line due west five degrees, the meridian of this point forming the western boundary of Pennsylvania; and events further westward led to arrangements to hold that country.

Southern claims to western lands

After the successful expedition of George Rogers Clark against Vincennes, the Legislature of Virginia created a new county in the west, to which the name of Illinois was given, and Clark was the first governor. Kentucky County, which had been created by an act of the Legislature in 1776, was receiving settlers yearly. Lexington was founded in 1779 under the direction of Robert Patterson, and Bryant's Station was established the same year. Other pioneers were on the Licking and Green rivers. These were fort settlements, at once places of refuge and defence. By the spring of 1780 new stations were founded; a land office was opened in May for the location of Virginia treasury warrants; and in November, Kentucky was divided into the three counties of Jefferson, Fayette, and Lincoln. Fort Jefferson was on the Mississippi five miles below the mouth

Illinois and Kentucky

First Kentucky counties

of the Ohio, where the line of 36° 30′ touches the great river. The country about it was unhealthy, the Indians were especially hostile, and news from the south so discouraging in 1780 that the fort was soon afterward abandoned.

1780

Fort Jefferson

Early in 1780 New York took the initiative in the cession of western lands to Congress; and as a reply to this action, a resolution of Congress of September 6, 1780, expressed the opinion "that it is advisable to press upon the States which can remove the embarrassment respecting the western country, a liberal surrender of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy." Upon this general statement as a corner-stone, the entire structure of territorial government was subsequently raised. The following month a more definite form was given to the prospective government of such lands by a resolution "That the unappropriated lands which may be ceded or relinquished to the United States by any particular State, shall be disposed of for the common benefit of the United States, and shall be settled and formed into republican States which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence as the other States." The States were not to exceed 150 miles square.

New York cedes her lands to the Union

Scheme for their government

The other States, moved by the example of New York and the protests of New Jersey, Delaware, and Maryland, transferred their western lands to Congress. Connecticut passed an act of cession

Other States follow

1779–1802

in October, Virginia the 2d of the following January. Both made restrictions which Congress could not accept; the demands of Virginia being considered "incompatible with the honor, interests, and power of the United States." Virginia, in ceding her claims to the territory northwest of the Ohio, had demanded that Congress guarantee to her the remaining lands below the river and north of 35° 30′; that the cession should be considered void unless all of the States signed the Articles of Confederation; and that all purchases from the Indians, whether from individuals or from tribes, made for private parties, together with all royal grants, should be considered of no effect. It stipulated also that grants to George Rogers Clark and his soldiers should be respected, and suggested the division of territory into States not larger than 130 miles square, divided into townships six miles square; and that *bona fide* settlers in the territory should have their titles confirmed.

Stipulations of Virginia cession

The formal cession by New York was made in March 1781; Virginia followed with an amended act in March 1784; Massachusetts in April 1785; Connecticut on September 13, 1786; South Carolina on August 9, 1787; North Carolina on February 25, 1790; and Georgia on April 24, 1802. Connecticut reserved a tract 120 miles long on the southern shore of Lake Erie and westward of the Pennsylvania boundary line; containing 3,800,000 acres, and now comprising fourteen counties in the State of Ohio. Of this "Western Reserve" half a million acres were set aside for the

Dates of cessions

relief of citizens of Connecticut, the remainder was sold for the benefit of her public-school fund. Virginia reserved what forms now twenty-three counties north of the Ohio for the payment of her Revolutionary soldiers. These were known as the Virginia Military Lands.

1782–6

Reserved lands

Every revival of the land question brought forth new suggestions, new ideas of settlement and control. Theodorick Bland proposed that the territory should be divided into States with dimensions not exceeding two degrees of latitude and three of longitude; that these States when they had a population of 20,000 should be admitted to the Confederacy upon the same footing as the others; that each soldier of the Revolution should receive thirty acres for each dollar due him, and that 10,000 of each 100,000 acres should be set aside as the common property of the United States, and the proceeds from sales applied to the payment of the civil list, the building of forts, the founding of seminaries of learning, and lastly the construction of a navy. A report in Congress, April 1782, discussed the cessions of New York and Virginia, the propositions already made, and the demands of the various land companies which were opposing the claims of the States.

Bland's proposals

The year 1783, a critical one for the Confederacy, brought forth the discussion of many phases of the land question. In December of the preceding year, a number of officers of the army, reduced to the last extremity, had petitioned Congress for relief. A satisfactory reply was not returned—

Officers' 1782 petition

1782–3

could not be, as matters then were; and the Newburg Addresses followed in March of 1783.

Proposed land grants

About the first of April, proposals were made to Congress for a grant bounded on the east by Pennsylvania; on the south by the Ohio; on the west by a meridian through a point on the Ohio, thirty miles west of the Scioto, to the Miami River; and thence to Lake Erie. The lands were to be distributed first in amounts varying from eleven hundred acres for a major-general to one hundred for a private soldier. To all who settled within a year, additional amounts from twenty-five to six hundred acres were to be given according to rank, with an additional fifty acres for each member of the family. This offer was to be open to all who had served for three years, and the government was to assume the expense of the journey to the new territory; to supply the necessary tools and stock for the farms, with one ration daily and a suit of clothes yearly for each soldier, for a period of three years. All these supplies were to be charged against the amounts then due the army, and any surplus lands were to be used by the State for schools and public improvements. A new constitution was to be drawn up before the settlement was begun, and of this the exclusion of slavery formed an essential part. The new State was to be admitted upon a footing of equality with the others. Finally, the petitioners undertook by a system of pensions to preserve the estates and provide for the families of their comrades who should die before the completion of the agreement.

As bounties

Lands as State funds

As commonwealths

1783

The proposition of Theodorick Bland had failed because Congress did not yet think itself competent to deal with the question; the proposals of the officers took the form of a petition to Congress, which was dated June 19, 1783. General Putnam, the sponsor for the petition, asked the support of Washington, who in turn recommended it to Congress as the "most rational and practicable scheme which can be adopted by a great proportion of the officers and soldiers of our army, and promises them more happiness than they can expect in any other way." The petition was signed by 288 officers, chiefly from Massachusetts, Connecticut, New Hampshire, New Jersey, and Maryland. The new State was expected to protect the older settlements, and to open the avenues of trade from the Scioto to the Great Lakes.

Officers' petition for land grants

Advantages to other States

During the summer of 1783 a few mutinous soldiers had besieged Congress in its hall; and that body had hastily betaken itself in inglorious flight to Princeton, where quarters were obtained in the college buildings. Here the western lands were the subject of frequent discussions. In September Washington, writing to James Duane, the chairman of a Congressional committee upon Indian affairs, expresses a hope that whatever is done with regard to the West may be done regularly, by the authority of Congress, and primarily for the benefit of the soldiers. "To suffer a wide extended country to be overrun with land jobbers, speculators, and monopolizers, or even with scattered settlers," says Washington, "is, in my

Discussion in Congress

1783–4

opinion, inconsistent with that wisdom and policy which our true interest dictates."

Report on a land-bounty district

The committee on Indian affairs reported October 14, and in that report proposed the appointment of a special committee to consider the question of setting aside a district to do justice to the claims of the army; and to devise a plan of temporary government until the number of inhabitants should entitle them to admission as a State. At this time the people were to form a constitution for themselves, which should conform to the republican principles of the other States. To this proposal an amendment was offered by Elbridge Gerry for the location of the new district and the construction of a government by Congress. This amendment was proposed in the hope that action might be hurried on, and was adopted.

Special committee on it

The special committee consisted of Thomas Jefferson, David Howell of Rhode Island, and Samuel Chase of Maryland. David Howell, in a letter to Governor Greene, dated February 1, 1784, thus describes the situation: "One object which has great influence on my mind is our western lands. By the last act of Virginia the affair is concluded with them. A purchase or cession is yet to be obtained of the Indians; a district for a new State to be marked out, and terms of sale and provision for government to be ascertained.

Squatters forestalling the government

Multitudes of emigrants are passing over the mountains and planting themselves indiscriminately on the best lands. The settlements about Kentucky already disregard the government of

Virginia, and are on the point of hazarding their independence. It is the opinion of the best informed that not a moment is to be lost in entering on measures on this subject."

1784

On February 21 Howell writes that the committee has prepared its report, which was submitted to Congress March 1, 1784. The western territory north of 31° was to be divided into three parts, by meridians drawn through the lowest point of the falls of the Ohio and the western cape of the mouth of the Great Kanawha. On the west the boundary was the Mississippi, and on the east the mountains. Beginning with 31° these three tiers of lands were to be divided by parallels about two degrees apart. Upon petition to Congress or order from that body, the inhabitants were to meet to form a temporary government, which should be in force until the State had a population of 20,000, when a permanent government was to be formed. Both forms of government were to be under the control of Congress in the same manner as the other States. The new State was to assume its share of the federal debt; to have republican forms, and exclude from citizenship any holder of a hereditary title; delegates were to be admitted to Congress whenever the new States had a population equal to that of the least populous of the thirteen States, and thereafter the assent of two-thirds of the States in Congress should be necessary to pass any important measure. Under the temporary government each State was entitled to a delegate in Congress without the right of voting, and

Jefferson's plan for western lands

1784

after 1800 slavery or involuntary servitude was to be forever prohibited.

Ten proposed States

The report then names the ten northern States, and defines the boundaries. They were Sylvania, Michigania, Chersonesus, Assenisipia, Metropotamia, Illinoia, Saratoga, Washington, Polypotamia, and Pelisipia. The plan if carried out would have formed sixteen States, or fourteen north of the northern boundary of North Carolina. To put it in force, Virginia must have ceded the territory west of the mouth of the Great Kanawha; and Georgia, now trying to get control of the western lands for purposes of her own, would have been forced to give up her pretensions.

Difficulties

Changes in plan

The report was referred again to the committee, appearing March 23 with the boundaries of the States north of the Ohio changed, the proposed names omitted, and the division of the southern territory not urged. April 19 the clause excluding slavery was stricken out; rather through the weakness of the representation of the States on that particular day, than any sympathy for the institution. The clause prohibiting hereditary titles was dropped, and some important provisions added by which the primary disposition of lands was secured to Congress; property of the United States was not to be taxed by the States, and non-resident land-owners were protected against excessive taxes. This was the ordinance of 1784, in force until replaced by the provisions of 1787.

"Ordinance of 1784" adopted

The following May an ordinance was passed for the survey of western lands. This was also

largely the work of Jefferson, and contained one significant clause by which the inheritance of lands was to be by the common law of gavelkind. Somewhat later it was proposed that officers appointed by Congress should take the place of the temporary government of the people. Thus little by little the essential features of the later law were evolving. Meanwhile, the lands were in the hands of the Indians, and Congress had as yet made no provision for transferring them. Until this was done and some satisfactory provision made for disposing of the lands, it was not possible to put the ordinance into operation. There was, however, much anxiety in Congress over the outcome. Howell writes in February 1785: "We wait with impatience the results of negotiations opened up with the Indians, as the western lands are in great demand." It was to be regretted that States were slow in making their cessions. North Carolina had even repented of her act.

1784–5

Lands under ordinance still to get

Reports on the modes of division of the lands were made in March and May, 1785; and in March, Rufus King moved to re-enact the clause prohibiting slavery. The opinion of those who favored the provision is well expressed by Pickering in a letter to Rufus King dated March 8: "To introduce slaves into countries where none now exist, countries which have been talked of, which we have boasted of, as asylums to the oppressed of the earth, can never be forgiven." King's proposition was referred to a committee, which reported favorably on April 6; but there is no evidence that

Question of slavery

1784–6

Congress ever discussed this report. Some of the other difficulties with which Congress had to contend were from men whom Howell called "land sharks," who sought to "engross the public lands."

In July 1784 Jefferson left the United States for France; and his part in the land question fell to Monroe, who proposed to visit the West and judge of conditions for himself. Circumstances compelled him to shorten his journey, and his impressions of the country were not favorable. He found a part of the land miserably poor, especially near Lakes Erie and Michigan, and on the Mississippi and Illinois plains that had not had a bush for ages. He concluded that these districts could never support a sufficient number of inhabitants to entitle them to statehood.

Monroe thinks much of West is barrens

Massachusetts and Virginia were asked to modify their acts of cession, in such a manner as to leave the division of territory and the number of States to Congress, with the general provision that "the said territory be divided into not less than two nor more than five States." It was proposed also that the officers of the territory should be appointed by Congress; that States should elect their own officers when the population was sufficiently increased; and that admission should follow when the population equaled that of the least populous of the thirteen States. William Grayson proposed to divide the territory by an east and west line through the southern point of Lake Michigan. The territory south of this line was to be divided into three parts by the meridians of

Questions of division and government

1785–7

The West taking shape

the mouths of the Great Miami and the Wabash; the northern States were to be separated by Lake Michigan. It will be noted that these proposed lines are approximately the present boundaries of the five States into which the Northwest Territory was divided.

Sectional fears over new States

To this proposal the northern States were opposed; but all parties agreed upon not less than three States. New England feared the influence of the South in Congress, and feared also, with some reason, that the new States would favor the South rather than the East; and about this time the committee, which had been composed of a majority of Southern members, changed character completely. Of the new committee, three members were from the North and two from the South. Their first report was made September 19, 1786, and was much similar to Monroe's plan, except that there were to be three judges instead of five; the second stage of territorial government was to begin when there were 5000 free adult males within the territory, and admission might take place when the population equaled one-thirteenth that of the United States.

Committee reversed

New plan

This committee reported again April 26, 1787, May 9, and July 9; when the report was referred to a new committee, of which Edward Carrington of Virginia was chairman, and Dane of Massachusetts, Lee of Virginia, Kean of North Carolina, and Smith of New York, were members. As referred, the ordinance provided for a governor who was to hold office for three years, a secretary

Again referred

1787, etc.

for four years, and three judges during good behavior. The governor and judges were to adopt laws civil and criminal like those of the States, which were to be published in the territory and referred to Congress for their approval. When there were 5000 free adult males a house of representatives was to be chosen, one for every 500 voters. With the governor and legislative council of five members, the house was to constitute the general assembly. Members of the house were to be elected for two years, councillors to serve during the pleasure of Congress. The governor could veto all bills, and convene, prorogue, or dissolve the assembly. This form, it will be seen, was practically that of the colonies before the Revolution.

Ordinance of 1787 shaping

Up to this time there had been no motive sufficiently powerful to force action by Congress, and there had been many difficulties to meet. The subject was, except for that of requisitions, the most important as well as the most intricate with which Congress had to deal. At this point the Ohio Company becomes an active force in the future development of the ordinance; and here we leave it, to examine other equally interesting experiments in State-making elsewhere in the West.

Ohio Company's influence

The history of Kentucky from 1780 to 1783 was marked by continuous immigration from the East. Deserters from the army, broken in purse and tired of military life; men whose fortunes had been swallowed up in the war; speculators in land, and adventurers of all sorts, turned their steps

Kentucky

1777–85

Development of Kentucky

Louisville and Wilkinson

Population

Early Tennessee

westward. In 1785 the three counties of Kentucky (page 2952) were formed into a new judicial district known as the District of Kentucky. With the increase of population, money became more plentiful, larger crops were raised, trade increased to satisfactory amounts. In 1784 Daniel Broadhead opened the first store in Louisville. His stock was moved by wagon from Philadelphia to Fort Pitt, and thence by flatboat to the Falls of the Ohio. At Louisville was formed this same winter a trading company; at its head the handsome, fascinating, utterly unscrupulous, one-time social arbiter and ex-clothier-general of the army, James Wilkinson. When Wilkinson engaged in trade, there was a possibility of material profit, as the sequel will show. As Eastern energy and capital began to find their way westward, the frontier life of Kentucky began to pass away. Wild animals and game were followed into the receding forest by the hunter and trapper, the log cabin was replaced by the frame house, settlements became more frequent, there was a surplus of products for export, and life became reasonably secure. By 1784 the population of Kentucky was estimated at not far from 30,000.

Southward of Kentucky the advance had been almost as rapid. As early as 1777 the Assembly of North Carolina had established the county of Washington, and two years later Jonesboro' was made the seat of justice. Lands were offered at a low rate to attract settlers to the new country. The Watauga men were given until 1779 to pay

1779–80

for their lands. There were unusual difficulties with the Indians, which even the experience of Shelby and Sevier could hardly overcome. The site of Nashville was investigated in 1779; and early the following May, Colonel John Donelson came with 160 pioneers. They had left Fort Patrick Henry the preceding December, had been exposed to the severity of the winter, and been followed for miles by hostile Indians. On the 13th of May a site was selected on the bluffs by the river, and the settlement named Nashborough, in honor of Brigadier-General Nash of the Carolina line, mortally wounded at Germantown. The freemen of the different stations on the Cumberland formed a "government of the judges," twelve in number. James Robertson, the leading spirit of the valley, was chairman of the board of judges and commander of the militia. Eight stations or settlements were made in 1780; regulations were adopted for government; for the sale of lands; for public order and defense; and a petition was prepared to the legislature of North Carolina asking that the settlements might be made into a separate county.

Nashville

Government on the Cumberland

Asks to be a county of North Carolina

In June 1781 North Carolina, disheartened by the defeats of Gates, by the British invasion and the insurrection of the Tories, and by the continual depreciation of paper money, closed the land office, and did not reopen it until the close of the war. In the mean time the pioneers were contending with all the dangers of frontier life. It was often proposed to abandon the settlements;

Which closes land office

and at times only the influence of Robertson prevented it. The prospects of the settlers began to improve in 1782; and the following year, horses, oxen, and other live-stock, farming implements and tools, guns and powder, were sent in considerable quantities to the West. The land office was reopened, preparations were made for the allotment of the bounty lands, and the county of Davidson was organized.

1781–4

Tennessee as Davidson County

Such were the processes by which these early associations developed into organized governments. First the pioneers settled upon the lands, with or without authority from the original owners of the soil or the home government; then, out of the accumulated political example and experience of their ancestors, they made for themselves regulations which secured the necessary public order; and finally the government from which they came extended its authority over them, and for a time political assimilation was complete. By the next step, statehood was recognized with all its rights and privileges.

Regular State evolution

When Congress requested the States to cede their western lands, North Carolina responded by an act of May 1784, which transferred 26,000,000 acres upon condition that the Confederacy should accept the cession within two years. To the settlers west of the mountains, and especially to those like Sevier and Blount, who had recently attempted to occupy land far down in the Indian country, this action seemed like abandoning them to all the possible dangers of frontier life. Moreover, the

North Carolina cedes its western districts

ordinance of 1784 seemed like an encouragement to separation. They had objected before the Legislature to this summary separation, and were informed that the Western people were the "off-scourings of the earth," and that North Carolina would be better off without them. In addition, they complained of unjust taxation and inadequate protection against the Indians; a standing grievance, which might be urged with truth as long as the Indian and pioneer were in the same territory.

Tennessee's grievances

A proposition was made through the militia organizations that delegates be chosen to meet at Jonesboro', with power to adopt such means as they might deem advisable to secure the ends they sought. Three counties—Washington, Greene, and Sullivan—complied, and their representatives met the 23d of August, 1784. John Sevier was chosen president and Landon Carter secretary, and by a two-thirds vote the assembly declared for an independent State. A committee, appointed to represent them, reported that the people west of the mountains had a just and undeniable right to petition Congress to accept the grant of North Carolina, and to approve their efforts to form an independent government; that they had a right to hold conventions from time to time; and that they would receive the contiguous part of Virginia whenever that territory requested a union, provided that such union was legally permitted either by the State of Virginia or other power having jurisdiction in the matter. Among others, two things are evident in this report: the movement

Convention declares for independence

was not confined to North Carolina, and Western interests were powerful enough to create Western sentiment for separation from the older colonies, if these interests were not given proper consideration. 1784

A plan of association was given out the next day. The advocates of the new State believed that immigration would be encouraged, that gold and silver would take the place of depreciated paper, that as a member of the Confederacy their present interests could be protected and their future growth assured. They were but accepting the invitation extended to them by Congress when the cession acts were urged, an invitation indorsed by the action of North Carolina. It was decided to have a new convention of five members from each county to form a constitution. The 16th of the following September was fixed as the date, and Jonesboro' as the place of meeting; but it was November before the convention met, and then it broke up without results. Action toward Tennessean independence

Meanwhile the Assembly of North Carolina had convened at Newbern on the 22d of October, and promptly repealed the cession act of the previous May. In excuse it was said that the former act had been passed in the belief that the other States would enact similar laws, but that the enactments of Massachusetts and Connecticut had imposed conditions which defeated the purposes of Congress. North Carolina had expected, also, that the five per cent. amendment would be adopted. This had failed, and therefore the act North Carolina repeals cession act

1784–5

of cession was repealed, although a period of two years had been fixed within which it might be accepted. In addition to the repealing act, the four western counties were organized into a judicial district with Jonesboro' as the seat of justice. The militia of Washington County was organized as a brigade, with John Sevier as its commander. There is no question but that North Carolina regretted the hasty action of the western country, and that this had no small influence in determining the act of repeal, as well as the other acts which were intended to reduce in some measure the grievances of the west.

North Carolina remedies mountaineers' grievances

The next convention of the western counties met at Jonesboro' the 14th of December, 1784; provided for the immediate election of an Assembly; and appointed a committee to prepare a constitution, which was to serve until it should be ratified or rejected by a new convention. It was by no means certain that the new State would ever perform its functions. John Sevier, the most popular man in the district, believed that North Carolina had removed all opposition and had put a stop to further measures of organization; but he was chosen governor of the State of Frankland (the name first used, later changed to Franklin) early in 1785, with other officers. Then began a series of communications between North Carolina and the newly-fledged commonwealth in which the latter sought to justify her action. Her citizens intimated that the affection of North Carolina was due to selfish motives, and an impartial world

They have gone too far to recede

State of Franklin

1785

was called upon to decide whether they had "deserted North Carolina or North Carolina had deserted them." Governor Alexander Martin's reply took the form of a manifesto, in which he answered in detail all the charges of the Franklin Assembly. This document, widely circulated, led to doubts and misgivings in the minds of many hitherto warm supporters of the new State.

North Carolina rebuts charges

For a time, however, everything went prosperously. In the words of a contemporary writer, Franklin had already put off its infant habits, and seemed to step forward with a florid, healthy constitution. It wanted only the patient guardianship of Congress for a short period to entitle it to be admitted with *éclat* as a member of the Federal government. "Here the genuine Republican! Here the real Whig will find a safe asylum, a comfortable retreat among those modern Franks, the hardy mountain men!" This paternal guardianship of Congress the citizens of Franklin were most anxious to secure; and a delegate, William Cocke, was elected, who was much pleased with his reception at the capitol.

New State seeks favor of Congress

The long and finally successful struggle of Vermont to procure her independence apparently affected the people of the West. So the example of Franklin was felt beyond its borders. Washington County wished to separate from Virginia —in a legal way, doubtless; as did the district of Kentucky about the same time. Arthur Campbell, county lieutenant and justice of the peace, described the sentiment as prevalent. Two petitions

Virginia's West desires separation

1785

Virginia's West asks to join Franklin

were presented to the Assembly of Virginia for the union of Washington County with the State of Franklin; but they were answered by an act of 1785, which made it high treason for any one to attempt to set up a separate government within the limits of Virginia.

Laws of State of Franklin

The Assembly of Franklin closed its first session, which had been full of legislative activity, on the 31st of March, 1785. Many of the laws were re-enactments of those of North Carolina; others had reference to their new condition. Among the latter was one for the promotion of learning in Washington County, under which Martin Academy was founded. Rev. Samuel Doak, pupil of Witherspoon and graduate of Princeton, member of the Franklin Assembly and of its conventions, an eloquent preacher and able educator, was its first head. Another act of interest, for the light it throws upon trade and economic conditions, was that regulating the prices of the various commodities which formed the circulating medium of the time. Good flax linen ranged from 3s. 6d. to 2s. a yard, depending upon its weight;

Legal prices

raccoon and fox skins were valued at 1s. 3d.; bacon and tallow at 6d. a pound; beeswax at 1s.; rye whiskey at 2s. 6d. a gallon; peach or apple brandy at 3s.; deerskins at 6s. a pattern; and good tobacco at 15s. a hundredweight. The legislature also erected the new counties of Caswell, Severn, Spencer, Wayne, and Blount. It was about this time also that the relations with the Cherokees, which had long been unfriendly, became improved, and

the advisability of incorporating them with the citizens of Franklin was discussed. 1785-6

While the prospects of the new State seemed fair from some points of view, the acts of North Carolina were spreading dissension among the people. The movement of separation had been hasty, and the repentance of North Carolina seemed sincere. Many of those who had been led to believe that she would agree to the separation, if not welcome it, were now unwilling to persist in independence contrary to the will of the parent State. An act of its Assembly in November 1785 had provided for the election of representatives from the counties of Franklin; and Colonel John Tipton, the political rival, and at times personal enemy, of Governor Sevier, was elected senator from Washington County. Two members of the lower house were elected from the same county, and the three had been members of the convention that formed the State of Franklin. They now prepared to use their efforts to secure the return of the seceding district.

Franklin-ers split

Tipton and Sevier

The beginning of 1786 saw both governments exercising jurisdiction in the same territory; courts of Franklin and North Carolina were held in the same county, and there were frequent clashes. While the Franklin court was sitting at Jonesboro', Colonel Tipton with his followers entered the court-house, took the records and papers, and turned the court out of doors; and not long afterward Sevier broke up one of the North Carolina courts. Legal documents were issued by

Hostile courts

1776–7

North Carolina vs. Franklin

two sets of judges; and the wonder is that there was not greater violence and confusion. The people found in the situation a convenient excuse for not paying taxes.

Notwithstanding this disintegration, the State of Franklin continued to maintain its sovereignty. Serious trouble threatened for a time from the Cherokees; but, this being removed, a final attempt at peaceful separation was made. In October 1786 commissioners were appointed to treat with North Carolina. They had no new arguments to offer, but insisted that the formation of the new State was the result of the cession act; had it not been repealed, their independence would have been recognized by Congress. If they had been unwise or hasty, North Carolina had set the example; she had pointed out to them the line to be adopted, and they had supposed her in earnest.

Franklin tries to treat

North Carolina acted with judgment and moderation, but did not abate her claims. Taxes due since 1784 were canceled, and pardon granted to all who would return to their former allegiance. This caused many to desert the fortunes of the new State, and increased the bitter feeling. A letter from the State of Franklin to Governor Caswell, in March 1787, makes the somewhat doubtful statement that a majority of the people were still in favor of independence; that two governments meant strife and civil war; that North Carolina, instead of being a tender mother, had been an unfeeling stepdame, who would sacrifice her own children to the savages.

North Carolina's wise course

1787–8

Franklin and North Carolina compromise

In the same month a compromise suspended hostilities for a time. Each court was to respect certain processes of its rival, and legal business was to be confined to the most necessary forms. The people might pay taxes to either government as they saw fit. Two months later other conciliatory measures were adopted, with the result that defection began in the council and Legislature of Franklin. It seemed that the governor alone would be left to represent the constitutional machinery of the State. Many of Sevier's personal friends urged him to give up the struggle; but he was determined that so long as he was governor, there should be a State of Franklin to govern.

Sevier obstinate

Civil war

By the beginning of 1788 it was apparent that life was about extinct. The end came in a series of passages at arms growing out of the attempt to execute court writs, and in them perhaps fifteen men were killed. That this was so, was due largely to the fact that Sevier's old enemy, Colonel Tipton, was the man in charge. Joseph Martin, a friend of Sevier's, was appointed to command the North Carolina militia. Sevier's term of office had expired, and there was no official reason why he should support the waning fortunes of Franklin for a longer time. Martin's overtures were received in a friendly spirit; and soon after he was able to report that "the unhappy dispute between the State of North Carolina and the pretended State of Franklin is subsided." April 12, 1788, Governor Randolph of Virginia was informed that "the commotions in what was called Franklin have

End of Franklin

1788–90, etc.

subsided, and Mr. Sevier is elected a member of the North Carolina convention." This was the convention which refused to ratify the new federal Constitution, much to Sevier's disappointment. For a time Sevier was excluded from office; but this disability was removed upon his election to the State Senate from Greene County. He was afterward made brigadier-general for the western counties; and when North Carolina had ratified the Constitution and made four congressional districts, was elected without opposition to represent the westernmost, taking his seat in 1790.

Sevier remains the "favorite son"

Such was the history of an interesting attempt at State-making. It began with a situation perhaps misconceived, certainly perplexed by North Carolina's backing and filling, and lived a stormy life of some three years; but is through it all an example of the political self-sufficiency of its citizens. North Carolina was treated with all the consideration one could expect, and throughout there were the strongest professions of loyalty to the Confederacy.

Summary of Franklin

While the State of Franklin was passing through the various stages of its career, a movement similar to it was inaugurated in the Kentucky region. In the autumn of 1784, a meeting was called at Danville to discuss means of providing more effectually for the defense of the settlements. As in the case of Franklin, the militia companies formed the basis of the new organization. The companies were to elect each a delegate; and the representatives so chosen were to meet

Kentucky organizes

A Map of
The STATE of
KENTUCKY,
Drawn from the
best Authorities
1793
WESTERN
TERRITORY
Military
Land
French Purchase
of Gallipolis
Ohio R.
Miami R.
WOODFORD CO.
MASON
BOURBON CO.
JEFFERSON CO.
Louisville
Shawanee
Chickasaw
Ohio River
MERRIDSON CO.
NELSON
COUNTY
MERCER
COUNTY
LINCOLN CO.
VIRGINIA
NORTH CAROLINA

at Danville, December 27, 1784. When the convention met, it was the opinion of many of its members that the results they sought might be obtained most satisfactorily by a separation from Virginia; but such a subject was without the province of this particular assemblage, and it could only recommend that the people, in the coming April elections, should choose representatives who should decide the question in another convention.

1784–5, etc.

Kentucky statehood issue in election

The delegates so chosen met in Danville, May 20, 1785; and after discussing the matter for a week, resolved to petition the Virginia Assembly for an act of separation, looking forward to the admission of Kentucky to the Confederacy as an equal of the other States, and recommended another convention the following August "to take further into their consideration the state of the district." Here the lines of action of Kentucky and Franklin separate. The men of the Tennessee country, smarting under the real or fancied injury of the act of cession, had declared their independence of the government of North Carolina; Kentucky renewed her attempts from time to time for a legal separation, and would have been successful but for the change in the government by the adoption of the new Constitution, under which the same result was attained by a somewhat different process.

Convention petitions for it

How finally attained

In Kentucky the problem was complicated by the questions of the Mississippi and the Spanish territory of Louisiana. The treaty of 1763, it will be remembered, allowed equal rights of navigation

Special difficulties

1763–83

of the river to England and Spain, since England practically held the east bank and Spain the west. The United States was the undoubted successor to whatever rights England possessed; but by the reduction of West Florida, Spain claimed exclusive control over the river below the Florida boundary. This construction Congress had attempted to modify by agreeing to guarantee, after conquest, the possession of the Floridas to Spain, upon the condition of the free navigation of the Mississippi. John Jay, the representative of the United States at the Spanish court, was also to secure a port of deposit on the river below 31°. During the negotiations which followed, the navigation of the river was demanded repeatedly as the price of Spanish assistance. In May 1781 Congress was willing to recede from its position, and to give up navigation and a port of deposit below 31°. Jay tried to negotiate upon this new basis, but without success; and in 1782 expressed to Franklin the opinion that France might continue the war for the sake of Spain, after she knew that the United States was in a position to secure all the benefits of the conflict.

Contest over navigation of Mississippi

The story of the treaty, of the claims of Spain, of the far-reaching, grasping schemes of France, of the independent action of the American commissioners, has been told. It will be remembered that the eighth article of the treaty between the United States and Great Britain read as follows: "The navigation of the river Mississippi from its source to the ocean shall forever remain free and

Article in treaty of 1783

1783–6

open to the subjects of Great Britain and the citizens of the United States." Spain became the possessor of both banks of the river, and there was not at that time sufficient legal precedent to establish definite usages. The United States asserted that Great Britain had succeeded to the rights of France, and that the States had in turn acquired those rights. Law aside, whoever controlled the mouth of the river controlled navigation. Moreover, Spain was angered by the secret article of the treaty which showed that the United States would favor England and restrict Spain.

Spain vs. United States on the Mississippi

In 1786 New Orleans was a town of about 5000 inhabitants. Many of them were Frenchmen who were restive under Spanish rule. Spanish traders were extending their trade daily into American territory, while they threatened to confiscate any American flatboat found below the Yazoo. They also compelled the English inhabitants to take the oath of allegiance to Spain or leave Spanish territory. These acts produced great excitement in the West, and were much discussed in the East, though from a different standpoint. Jay had been willing to give up the navigation of the Mississippi for twenty years in return for an advantageous commercial treaty. Each party accused the other of selfish motives. The East would sacrifice the West; the West, for an immaterial advantage, would deprive the East of a valuable trade. Throughout the South it was said that New England expected to separate from the rest of the Union; and the West threatened to take possession

Spain enforces trade monopoly

East and West at odds

1785–7

single-handed of the Spanish territory. On the other hand, the Spaniards were trying to place buffer tribes of Indians between themselves and the backwoodsmen, so much did they fear that a conquest might be attempted. The treaty, meanwhile, failed to secure the support of more than seven States; but the effect created by the proposal to assent to such conditions was to be seen long afterwards in the West and South.

Triangular contest of East, West, and Spain

The convention of Kentucky met the 8th of August, 1785. Nine delegates were present from Lincoln County; seven from Fayette; five from Jefferson; and six from the new county of Nelson, until recently a part of Jefferson. An address and petition, possibly from the rhetorical pen of the versatile Wilkinson, were issued to the people of Kentucky and the Assembly of Virginia, representing the inconveniences of their situation and praying again for a peaceable and legal separation. To this petition Virginia replied by agreeing to the proposed plan, provided it should be accepted by another convention of Kentucky to be held after September 1, 1787, and provided also that the United States should agree before June 1, 1787, to the formation of the new State of Kentucky. Congress was to relieve Virginia of all obligations to the territory, which was to be admitted as a State as soon as circumstances permitted; the boundaries were to remain, and the new State was to assume her share of the federal debt.

Kentucky again asks for separation

Virginia grants it conditionally

As the time appointed for the convention—the fourth Monday in September, 1787—approached,

1786–7

the separationists became enthusiastic over their prospects of success. Wilkinson himself, to use his own expression, was foremost in enlightening the ignorance of the people; but many of the men were with Indian expeditions of Clark and Logan, and not enough delegates assembled to form a quorum. Those who were present drafted a document dated December 26, in which they explained the reasons for the failure of the convention.

Convention of 1787 adjourns for quorum

The movement now waited on the action of Virginia, but the agitation continued in both East and West. Rumors were set afloat purposely to the effect that the Spanish treaty had been signed, and similar efforts kept the excitement alive. It is of some significance also that the Political Club of Danville, composed of the leaders in district politics, in solemn debate on December 30, 1786, and January 6, 1787, decided that the immediate navigation of the Mississippi would not benefit the district, but that immediate separation was desirable. In other words, to form a State, a part of the Confederacy, was one thing; to unite with Spain in order to secure the navigation was quite another matter.

Independence outweighs river trade

The adjourned Danville convention of September met in January 1788, and confined its action to a request that Virginia modify the dates of her act to suit the altered situation in Kentucky. Intrigues multiplied in the West. Gardoqui and the British agents had each a plan to secure the co-operation of the western men, and perhaps eventual possession of the western country. New

Foreign intrigue

1786–8 and bitter charges were made against the East. Patrick Henry was fighting the battle for the Mississippi in Virginia. Jay's treaty came up in Congress, April 11, but there seemed to be no hope of its adoption.

Spanish treaty hangs fire

Matters were moving too slowly to suit the purposes of General Wilkinson. Separation or no, there was no reason why trade should not continue. Friendly relations had been established by Wilkinson with Gayoso, the Spanish commander at Natchez, in the winter of 1786, and he now determined to open up private trade on the river. In the spring of 1787 he loaded his barges with tobacco, flour, butter, hams, and bacon, and in July reached New Orleans. According to his own statements, the experiment was undertaken "to promote my own fortune and to benefit my fellow-citizens by awakening the Spanish government to a just sense of its interests."

Wilkinson wants trade on some terms

The arrival of Wilkinson was a perplexing problem to the Spanish officers. With an ordinary trader they might act as they chose; but an ex-major-general, backed up by the western provinces, must be treated with more consideration. The governor and the intendant met Wilkinson, who explained the situation orally and afterward in an elaborate memorial. In the latter he explained the causes of dissatisfaction in Kentucky, and dwelt particularly on the numbers and aggressiveness of the backwoodsmen. If Kentucky became independent, she would first negotiate with Spain, and afterward take by force of arms what she

Negotiates at New Orleans

failed to secure by negotiation. Spain should, however, continue to refuse the navigation of the river, since that was the source of her power over the western settlements. Wilkinson had undertaken the expedition, he said, at the urgent entreaty of the leading characters of Kentucky, to develop the disposition of Spain toward that country, and to open negotiations for their admission as subjects. He himself took the oaths which made him a subject of the King of Spain; and he was persuaded that the citizens of Kentucky would apply to the court of Spain as soon as their independence was secured.

1787

Wilkinson becomes Spanish subject

From a personal standpoint, Wilkinson's venture was a brilliant success. He sold his tobacco at a profit of five hundred per cent., secured a permit to continue the trade, sailed for home in November, and was in Richmond in December, where he was promptly convinced that the new constitution concealed numerous snares for the liberties of the West.

Makes money as usual

Meanwhile the Kentucky convention had met September 17, and was unanimous in a demand for separation; also presenting a petition to Congress asking recognition of the new State. In the following spring Wilkinson was back in Kentucky, assuring the Spanish authorities that all was going well, and for a time it seemed possible that Governor Sevier and the fragments of the State of Franklin might ask for Spanish help. On the 8th of June, however, Congress voted to make Kentucky a State; but on the 21st of the same month,

Kentucky again asks to separate

Spanish hopes rise

1787-8

New Hampshire ratified the Constitution, being the ninth State to come under the "new roof." The decision of the fate of Kentucky was postponed for a time, much to the disappointment of her citizens, who saw therein new evidences of Eastern neglect; and much to the satisfaction of Gardoqui, who redoubled his activity. Such was the public temper when the Kentucky convention met July, 1788. Wilkinson and his party urged an immediate declaration of independence, which would leave them free to develop their plans at leisure; but wiser counsels prevailed, and the matter went over until November.

Kentucky held off

Intrigue, impatience, patience

Spain in the interval pushed vigorously her schemes for colonizing the western banks of the river with American pioneers. The forts on the boundary were strengthened, and New Madrid was fortified in July of 1788. Colonel George Morgan of New Jersey, who had been interested in other western land schemes, concluded with Gardoqui, in October 1788, an agreement which had been pending about two years, for a large grant of land at New Madrid. Freedom of trade, religious toleration, liberal government, and cheap land, were promised to those who would settle on these grants. The attempt caused much discussion in the East. Madison saw in it the best evidences of a Spanish plot, and wrote to Jefferson that it was a part of Gardoqui's plan to accomplish the defection of the West. In it also Wilkinson saw the ruin of his own plans. At the same time both Great Britain and France were making overtures to the western

Spain colonizes her foes

As baits for the West?

people, in hopes of securing some territorial advantage. There was small hope of success in any of these schemes, but they illuminate the political turmoil of the West in 1788. 1788

The convention of November 1788 renewed the appeals to Congress for the formation of a separate State and the free navigation of the river; but the old Congress was dying, and all eyes were turned to greet its successor. New policies and new life animated the people of the West, who were willing to wait until the temper of the government under the Constitution should be known. De Warville, writing of the situation in 1788, describes it very well in these words: "A number of reasons determine me to think that a perfect union will forever subsist. A great part of the property in these western lands belongs to people of the East; the increasing immigrations serve perpetually to strengthen these connections; and it is for the interest of both to open an extensive commerce with South America and to overlap the Mississippi. They must and will remain united for that end." Of the Mississippi he says: "They are determined to open it by good-will or force. Men who have shook off the yoke of Great Britain, and who are masters of the Ohio and Mississippi, cannot conceive that the influence of a handful of Spaniards can think of shutting rivers and seas against a hundred thousand free Americans." Kentucky again appeals

No real danger of disunion

In the country north of the Ohio River, the years from 1783 to 1787 were marked by difficulties with the Indians. The county of Illinois had Northwest Territory

1778–87

Illinois country

been constituted by an act of the Virginia Assembly in October 1778. A county lieutenant appointed by the governor of Virginia was the first official, military and civil; and by him deputies might be appointed. He was authorized also to hold elections for civil officers according to previous custom. The French of the region, however, preferred to be governed rather than to govern themselves; they were unused to American methods, and much ill-feeling was produced. The act was temporary, and after three extensions expired in 1781. From that time until 1787 there was no authorized government in the Illinois country.

The Western posts

The treaty of peace between the United States and Great Britain provided for a return of the Western posts; but to this there was opposition from various interests which would thereby be affected. The American commissioners recommended to the States the payment of British debts, and some measures for the relief of the Tories; but with burdensome taxes for local purposes, with no specie, and with restricted trade, there was little probability that the courts would be open to British creditors, nor were the sufferings of the Tories likely to arouse sympathy. England urged these facts as an excuse for retaining the forts,

England's excuse for retaining them

the most important of which were Oswego, Niagara, Erie, Miami, Detroit, and Mackinac. A message in 1783 by Baron Steuben to General Haldimand, the governor of Canada, obtained the unsatisfactory reply that no orders to evacuate had been received. About a year later another

request met with a similar answer; and it then became evident that England expected to hold the forts within her grasp as long as possible. Besides the commercial interests, the prestige of England among the western tribes was at stake; and as it became more and more an impossibility for the Confederacy of the colonies to make satisfactory treaties with them, the causes were sought and found in English intrigue.

1783–6

Eng-land's hopes in western country

The treaty of Fort McIntosh in 1785, and that of Fort Finney in 1786, were expected to restore peace, to mark definitely the boundary line between the Indian and the settler, and to stop the march of the "landless emigrants and disgraceful banditti" who were penetrating further and further into the western country. In the same year, 1786, there was a concerted movement of the northwestern Indians against the "Long Knives," as the pioneers were called. The Shawnees were the leaders; and so desperate did the fortunes of the settlements appear that it was determined to send an expedition to their relief.

Vain attempt to stop western settlement

Indians resist it

The settlers about Vincennes had been exposed to petty outrages, which speedily took the usual form of the frontier terror. General Clark with 1,200 men set out for their succor late in September 1786, while a second party under Benjamin Logan attacked the Shawnee towns further east. Clark reached Vincennes, where his men became mutinous and many deserted. Clark had enough men left to garrison Vincennes; but in supplying the troops, the store of a Spanish trader was

Relief expedition

1786, etc.

robbed, which, through the magnifying medium of the Spanish party, seemed to be the beginning of an attack upon Spanish territory. Clark's expedition served to protect the settlers; but as an attack, it was an utter failure. Logan entered the Shawnee country, found most of the warriors away, burned villages, destroyed crops, took some prisoners, and returned home. This discouraged, but did not terminate, the Indian outbursts; the defeats of Harmar and St. Clair were a part of the same determined resistance of the savages to occupation of their lands and hunting-grounds by the pioneers.

"Irrepressible conflict" of Indian and squatter

These humble "makers of America," the men who subdued the frontier, were the first examples of the type now styled "American." Contact with the ever-present dangers of the forest, the solitude of the wilderness, the proximity to Nature, and the remoteness of civilization, produced a race of men hardy, bold, enterprising, contemptuous of legal forms and chafing against restraint; yet at bottom a race strong in body, strong in mind, sound in moral fibre, holding steadfastly to the few fundamental principles which formed its code. The pioneer was forced by his environment to accept the conditions of the new country. The hut and palisade, the hunting-shirt and moccasins, the scalping-knife and war-whoop, were the consequences of his frontier life. He is only a little less savage than the native. Of these men Daniel Boone is the type. From Pennsylvania to the Yadkin, thence to the wilds of Kentucky, thence

The pioneer

to the Missouri frontier, he led the invading pioneers. His son was a guide in the Rocky Mountains, and perhaps the first white visitor to the present site of Denver. His grandson was equally useful among the Indians.

Daniel Boone

The restless spirit of the forest urged these men forward, always in advance of the vanguard of settlements. The home of the pioneer was in the centre of a few acres of ground, to which the sun was allowed access by girdling the trees. Here a log cabin, sometimes open on one side, was built, and about it was a little garden where "truck"—cabbages, beans, corn, and potatoes—were raised. It mattered little whether he owned the soil or not, the products were sufficient. After a time his neighbors pressed upon him too closely; the pre-emption laws enabled him to get something for his previous labor, and he departed for a country where the evidences of civilization would not thrust themselves upon him. With the next class comes the frame, brick, or stone house, with glass in the windows; china replaces the wooden noggins, gourds, and tin or pewter plates; some roads are built and schools are founded; men buy their lands and perfect their titles. Then come the men of capital, with always the necessaries and many of the luxuries. Silks, satins, and broadcloths replace the linsey-woolsey and deerskin; banks are established and intensive production takes place.

The pioneer's life

Dislike of civilization

Upward movement

By such a process as this, with the Eldorado just before them, the American people spread westward in successive waves; and it was because of

this West that the United States ceased to be sectional and became national.

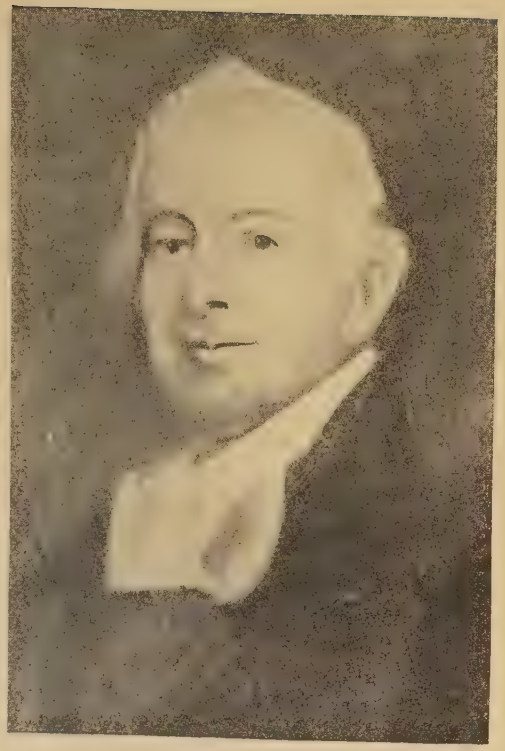
The pioneer's home

In the cabin of the pioneer the furniture, if such it might be called, was of the rudest: three-legged stools hewn from logs; a table of like construction; beds, when not of skins upon the puncheon floor or uncovered earth, being often made upon pieces of wood put between the logs of the cabin wall. The household utensils were of the simplest, with now and then some family treasure carefully guarded during the family wanderings. The dress of the men was of linen, of linsey-woolsey (linen and wool), or of skins, and consisted of moccasins, leggings or breeches of leather, and a hunting-shirt. Caps were of skins with the fur on. The food was game, corn, bacon, and molasses or honey. The corn was ground in a hand-mill, pounded in a hominy block, or had the outer shell removed with lye. Many houses contained looms, and families made their own cloth, tanned their own leather, and were their own tailors and shoemakers. Not infrequently they carried on a petty trade with the Indians, furnishing them with food for which they received hunting-shirts and moccasins in return. There were no stores of any kind in the early days; and supplies had to be brought over the mountains by pack-horses, and the stores of furs and other western products sent eastward in return.

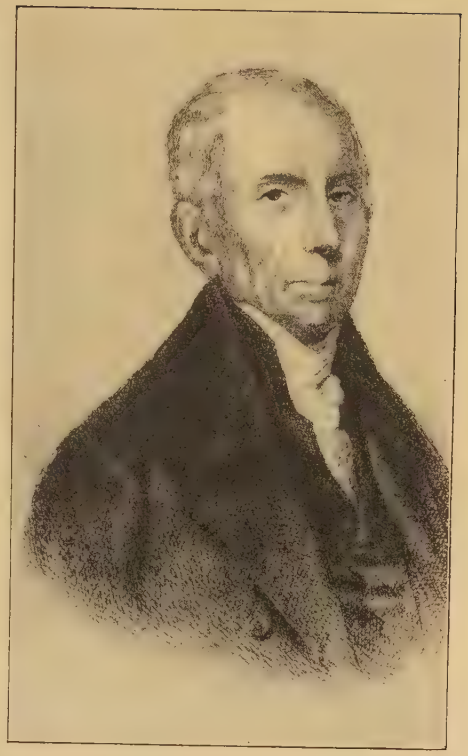
Dress and food

Trade and industries

The two things which were to give form and system to the westward advance were the Ordinance of 1787, and a sufficiently strong government

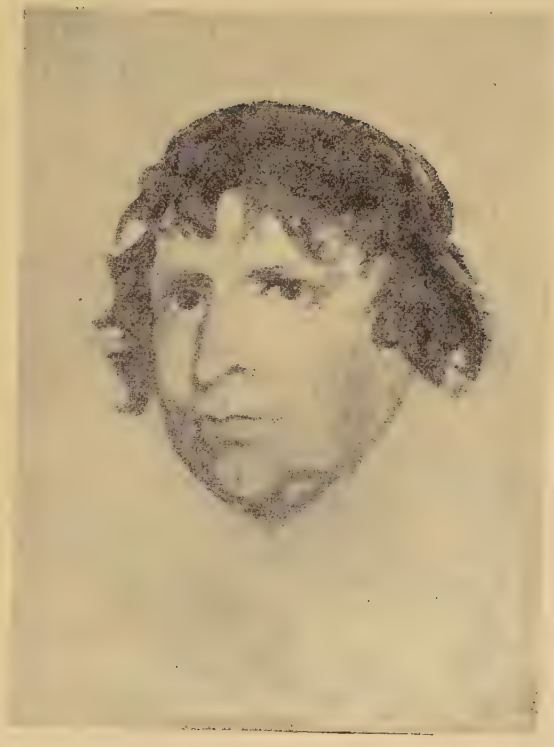


MANASSEH CUTLER.



NATHAN DANE.

(From the Emmet Collection, New York Public Library.)



THEOPHILUS PARSONS.

to enforce its provisions. The history of the ordinance has been traced to the time when the Ohio Company became an active factor. Under the ordinance of May 20, 1785, General Benjamin Tupper had been appointed surveyor of western lands. Much impressed by his first visit to the West, he proposed, after a consultation with Rufus Putnam, that a company be formed from among the Continental officers and soldiers holding land certificates, and that these be used to purchase lands for actual settlement. A meeting was held March 1, 1786, when the company was organized, with a capital of $1,000,000, in 1000 shares, on each of which $10 was to be paid for contingent expenses. A year later the subscribers met in Boston, when so favorable a report was made that Dr. Manasseh Cutler was instructed to proceed to New York and negotiate for the purchase of the lands.

1785

Ohio Company

Manasseh Cutler

Cutler, well known in many capacities, had taken degrees in law, medicine, and divinity. In scientific attainments he had no peer but Franklin. On his way to New York, Cutler visited General Parsons, who was interested in the plan. It will be remembered that the previous ordinance was to come before Congress for its third reading May 10, 1787; that on May 9 Parsons presented the memorial for the Ohio Company; that on May 10 Congress did not reach the ordinance, and that the memorial had been referred to a committee of which Edward Carrington was chairman. Congress did not sit from May 12 to July 4; but on

1787

July 6, the day upon which Congress began business, Cutler presented his petition. The work of forming the ordinance was accomplished apparently between the 9th and the 11th of July. There were hostile interests to be placated and private ones to care for; among them the Scioto Company, which the Ohio Company afterward absorbed. July 9 and 10 Cutler spent with members of the committee, with Congressmen and with friends. On the morning of the 10th a copy of the proposed ordinance was shown him, to which he suggested amendments.

Private interests and the Ordinance

Its provisions

The ordinance reported by the committee was much like that of the 9th of May; with the addition of property and residence qualifications for the judges, secretary, and governor, and a provision for a general assembly in the second stage of territorial government. Provision was made for a delegate in Congress, with the right of speaking; and there were complete instructions for the appointment of a Legislative Council of five members. The laws of descent and inheritance which Jefferson had introduced furnished the precedent for a similar clause in the ordinance, which was adapted largely from a Massachusetts law of 1784. Articles of compact between the States and the new territory were introduced, with guarantees of freedom of worship and the principal privileges from the bills of rights of the several States. The territories into which the Northwest might be divided were to be admitted when the free population reached 60,000.

of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending ~~the fundamental principles~~ of the confederacy the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory;---to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest.

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same: and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged, ~~by all suitable provisions~~. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the

And End of Art. 3d Article — Insert.

Article the sixth There shall be neither Slavery nor involuntary Servitude in the said Territory otherwise than in punishment of crimes whereof the party shall have been duly convicted — provided always that any person escaping into the same, from whom labor or Service is lawfully claimed in any one of the Original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or Service as aforesaid —

ORDINANCE OF 1787, WITH NATHAN DANE'S ANTI-SLAVERY ADDITION.

1787

Ordinance: clause on contracts

Another important provision was that article which forbade the passing of any law which should impair contracts or engagements previously entered into in good faith. The French envoy, Otto, saw in this an attempt to prevent the abuses of paper money, which had so disgraced a number of the States; and it may be also that the rights of the company were to be given thereby additional safeguards. To Richard Henry Lee, an active opponent of paper money and a member of the committee, this clause is probably due.

Slavery article

The report of the committee was submitted on Wednesday, the 11th of July. Some minor changes were made, and the famous sixth article was inserted, around which a Homeric battle has ever since been waged. Like the question of command at Bunker Hill, it will be perhaps the source of endless future argument. Jefferson had provided in the Ordinance of 1784 that there should be "neither slavery nor involuntary servitude after 1800." Pickering had deplored the fact that this clause had been stricken out; King had moved its restoration, and Grayson had voted for the motion. The opinions of the two members of the committee from Virginia on the question of slavery were well known, so that it is possible that Dr. Cutler suggested the clause which Nathan Dane omitted from his draft because he supposed it could not be adopted; that, as Dane says, finding the opposition less than he expected, he proposed the article, which was accepted. The first clause is in import that of Jefferson and King; the

Question of its authorship

1787

second, providing for return of fugitive slaves, was a concession made to the rights of property. Moreover, the convention which framed the constitution was now sitting in Philadelphia; and as early as July 10 took up the question of slavery as affecting representation, and this convention showed the same attitude toward slavery. The sixth article was the expression of a prevalent opinion, and the credit belongs to more than one individual.

Ordinance: anti-slavery article

On the 13th of July the ordinance was read for the third time, and passed by a unanimous vote. Only one delegate, Yates of New York, voted against it; and as the two other representatives of New York favored it, the affirmative vote of that State was added to those of the seven then represented. In many ways the Ordinance of 1787 is the most notable document drafted by the Congress of the Confederacy. As the Declaration of Independence must ever be regarded as the expression of the fundamental principles underlying American liberty;—so the Ordinance of 1787, as an act of constructive statesmanship, exceeded in its results the most exaggerated conceptions of its authors, by fixing forever the origin of the social, political, and educational institutions in the people; by excluding slavery, thus fixing the later character of that institution; and by establishing the foundations in republican principles for the future building of the nation.

Ordinance passed

Its importance

Under the ordinance the officials were a governor, secretary, and three judges, appointed by

Congress. The governor held office for three years, the secretary for four, and the judges during good behavior. General Arthur St. Clair was appointed governor; Winthrop Sargent, secretary; James M. Varnum, Samuel Holden Parsons, and John Armstrong, judges. Property qualifications were established, from that of a freehold of fifty acres for an elector, to five hundred acres for the judges and secretary, and 1000 for the governor. The governor and judges were to adopt and publish such laws of the original States as were necessary to the welfare of the district, and the governor was to appoint the necessary township and county magistrates. As soon as the territory contained 5000 free male inhabitants, representatives were to be chosen in proportion of one to every five hundred free men, until the number should reach twenty-four, when further representation was to be regulated by themselves. In addition to this House of Representatives, the assembly included also the governor and Legislative Council of five members, who were to hold office five years, and to be appointed by Congress from ten persons nominated by the representatives.

1787

Ordinance: form of government

Then followed the articles of compact, six in number, unalterable except by common consent. The first provided that no one should be molested because of his religious beliefs; the second conferred the writ of *habeas corpus,* the rights of trial by jury, of bail, of proportional representation, of moderate fines and punishments, and the

Compact

1787

guarantee of previous private contracts; the third article approved the encouragement of education and recommended good faith toward the Indians; the fourth described the terms of union between the territory, or the States formed from it, and the original States; the fifth provided for the formation of not less than three nor more than five States, indicated in a general way their boundaries, and provided for admission to the Confederacy; the sixth was the article prohibiting slavery, and providing for the return of fugitives from service or labor.

Compact under Ordinance

On the 23d of July the preliminaries of the purchase were begun. Cutler found it necessary to modify his original intentions, and unite with Colonel William Duer and some of the "principal characters" whom he represented in a purchase of about 5,000,000 acres for $3,500,000. This was devised in two parts: one to the Ohio Company; the other to Cutler, Sargent, and their associates, who were Duer and his friends. Of the second part of the lands, Cutler and his friends in the Ohio Company received a share. The following November the company decided to found their colony at the mouth of the Muskingum, under the leadership of Rufus Putnam. Preparations were begun at once, and by April the expedition was under way. On the 7th of that month the mouth of the Muskingum was reached, and here was founded the town of Marietta, so named in honor of Marie Antoinette, Queen of France.

Purchase of land

Founding of Marietta

CHAPTER LII.

THE FAILURE OF THE ARTICLES OF CONFEDERATION

The governments of the several States were readily and speedily adjusted by the citizens to meet the new conditions following the beginning of the Revolution. 1776, et seq.

A union of these States, disapproved by themselves as colonies in 1754, adopted in 1765,—if the work of the Stamp Act Congress can be termed concentrated action,—was seen now to be an absolute essential for the success of the patriot cause. "Nothing but a continental government can keep the peace of the continent" was the clear statement of the situation by the author of *Common Sense;* and two years before, Patrick Henry had declared that independence would dissolve all distinctions. The people would be Virginians and New-Englanders no longer, but all would be Americans. However, instead of proceeding one step further, and as Americans without distinction as to States uniting to form an adequate general government, the people of the States chose to act through their political units; thus establishing a confederacy or league which, in so far as it could act at all, could act only upon the States. Union of colonies indispensable

But made as units

Nor was this an illogical result when the political experiences and precedents of the different

1776, et seq.

colonies are considered. However apparent it may be to the present generation that the act of Independence created one nation and not thirteen; however reasonable the assumption that the union is older than the States because the union alone made the continued existence of States possible,—this was not the point of view of the mass of the people. That sovereignty was in the people was generally admitted, but that power was vested in them as citizens of the different commonwealths. Of the dual citizenship with its privileges and duties established by the later Constitution, they had no conception. It therefore happened that in all matters which concerned the States in their relations to foreign countries, Congress acted as the representative of a sovereign body; but in internal affairs, members of Congress considered themselves to be the delegates of the sovereign States which they represented.

Popular view of union

All these things considered, it is remarkable that Congress did so much. During the war, the concerns of the colonies were managed in general with such success as circumstances permitted; and it was not until after the conclusion of the struggle that the full inefficiency of the confederacy was recognized. As a form of government in time of peace, it was a complete failure because it was a government solely of delegated powers, and those expressly delegated were measures of war rather than of peace.

Confederacy in war and peace

The chief source of weakness of the Articles of Confederation arose from the omission of many

1778–87

Confederation: revenue difficulties

essentials, due in part to the circumstances under which the Articles were framed. First and most important of these was the failure to agree upon a regular method of determining and collecting a national revenue. The indefinite character of this provision was due chiefly to the difficulty found in selecting an equitable and certain method of assessment which should be acceptable to the States. There was no practical way of determining the population except through the States, if population was to be made the basis of contribution; and moreover, such a plan would at once bring in the vexatious question of the enumeration of the slaves.

Requisitions

On the whole, an assessment upon the valuation of land and improvements seemed to be the best, and was adopted. But requisitions were made yearly, and as the circumstances of the States varied greatly with the fortunes of war, the fate of the requisitions was at all times uncertain. From a financial standpoint the American Revolution was one long crisis, relieved by that most effective tax, the depreciation of paper money; by the payment of quotas in specific supplies; by the payment in specie by the French for their purchases, and most of all by the timely and generous loans and securities of France. So desperate was the condition at the close of the war, that the total amount paid from the Federal Treasury in 1781 was less than $2,000,000, while the prospect of speedy contributions was greatly lessened by the probable approach of peace.

Largely a failure

1778–80

In the stress of war the growing weakness of the government had been noted chiefly by those dependent on it, while the conflicting interests of the States had not yet appeared in all their vigor. Even before the Articles of Confederation had been adopted by all the States, there were complaints of the failures of the government. In August 1780 a convention of the New England States, at Boston, favored a union with an executive head and more vigorous methods of administration. The Boston convention recommended that another be held at Hartford the following November, and that other than the New England States be invited to send delegates. The opinion was expressed that the weakness of Congress could not be remedied except by the power to enforce as well as recommend.

Weakness of Confederation

New England conventions

When November came, the New England States and New York were represented at Hartford. The delegates proposed the establishment of a system of revenue which should provide for the payment of the interest of the funded debt and the principal of other debts. They believed that all government presupposed the power to enforce, and that until such power should be given to Congress the country could never be properly united. The States, by trying to retain too much of their independence, were in a fair way to reduce it to a mockery or lose the whole of it. The proceedings of the convention were sent to Washington as the head of the army, to the several States, and to Congress; where they were

Hartford convention of 1780

Complains of weak government

1780

Congress wishes to enforce requisitions by arms

referred to a committee, and perhaps formed the basis of a report dated the 12th of March, in which larger demands upon the States were made, of greater extent and significance than any that had preceded them. They were nothing less than the right to use the army and navy to compel the States to obey the requisitions of Congress. The matter was referred to a committee of one member from each State, and eventually this committee presented its report in a much milder form. By it Congress was to be permitted to lay an embargo for sixty days, and to appoint persons within the States to take charge of the federal money as soon as it should be received.

General civil war involved

To any proposition of coercion there could be but one answer. To coerce a State meant in the last resort an appeal to arms, and there was no probability that a single State in this extremity would be left alone to bear the weight of resistance. The principles of sovereignty, of dignity, would force a settlement which could not fail to be more favorable to the State than to the general government. Any attempt to distrain the goods of a State or to blockade the ports would have been followed inevitably by the dissolution of the confederacy; yet the necessity was such that even Washington, upon whom the burden of enforcing the decrees of Congress must have fallen, was inclined to favor a grant of power to compel the States to meet the requisitions. Congress had no power over individuals, no sources of revenue independent of the sums set aside for general

But seemed only resort

1778–82

purposes by the States, most of which were overburdened with individual expenses and debts and exhausted by the prolonged efforts of the war. The country had been taxed beyond the limits of its strength; and in the reaction which followed the treaty of peace, it was natural that local considerations should be of more weight and should receive more immediate attention.

State inertia

In the mean time an effort had been made to provide a revenue by means less destructive to the peace of the Union. The delegates of New Jersey had proposed, as early as 1778, to grant to Congress the power to regulate commerce for the common interest of the States. Such a grant had been recommended by the New England States in the Hartford meeting, and the project was revived by the North Carolina and New Jersey members of Congress in February 1781. This attempt failed, but Congress recommended to the States a grant of power to levy a duty of five per cent. on the value of all imported articles except cotton and wool cards. The plan was received generally with favor, and by April 1782 all the States except Georgia and Rhode Island had given their consent. It was expected that the reply of Georgia would be given as soon as it was possible, and that it would be favorable; and it was hoped that Rhode Island might agree, since a qualified approval of the same measure had been given in 1781. In November Rhode Island declared unanimously her opposition to the plan, on the ground that the commercial States would

Other revenue than requisitions sought

Customs duties mostly agreed to

Balked by Rhode Island

1782

pay an undue share of the impost; that the tax would create for its collection a set of office-holders within the States who would be independent of the States; and finally, that Congress, having an independent income, would be freed from the control of its constituents the States, a situation dangerous to the liberties of the confederacy.

Rhode Island objects to customs scheme

But the commercial States by their own revenue laws were taxing their less fortunate neighbors; the presence of alien officers was not an irremovable objection; while the last reason urged was made ridiculous by the fact that the States elected, paid, and could recall their delegates in Congress. Hamilton wrote an able reply to the Rhode Island argument, and Congress was about to send a committee of its members to plead for a reconsideration of the decision, when it was learned that Virginia had withdrawn her consent to the impost. That State feared that this apparently simple measure was a gift of the Greeks concealing possibilities of unlimited tyranny, and believed that "to allow any other body than the Assembly of the State to levy taxes within the State would destroy, not only the sovereignty of the commonwealth, but the rights and liberty of the people, and contradict the spirit of the confederation." So serious a matter was it thought to provide a revenue absolutely necessary to support the honor, even to insure the existence, of the confederacy which the Commonwealths themselves had formed.

Objections not valid

Virginia rescinds consent

States wish end without means

1781

Congress had been accustomed to manage departmental business by boards, committees, or commissions. These were now abandoned for single departmental heads, and Hamilton had been recommended as head of the Treasury. He declined, urging Robert Morris for the position; and to him Hamilton wrote in April 1781, proposing a bank as a remedy for the financial distresses of the confederacy. The bank was to have a capital of £3,000,000, and both capital and deposits were to be exempt from taxation. It was to be incorporated by Congress, and to have branches in each State; and during the lifetime of its charter no other bank, public or private, was to be allowed. Notes under £20 in value were not to bear interest, but four per cent. was allowed on larger denominations. The bank was to loan the government £1,500,000 at a rate of eight per cent., and a special tax was to be levied to repay this loan; while a further agreement was to be made that the bank would assume and retire at forty to one the outstanding Continental paper, for which a rate of two per cent. was to be paid. Hamilton thought that with the contracts from the French and American armies, which he proposed to give to the bank, with the favorable opportunities to buy up the estates of the exiled Tories, and by careful speculation in new lands, its profits might easily reach 100 per cent.

Hamilton's national bank plan

Large profits expected

But the plan, like so many of Hamilton's schemes, was entirely too large for its surroundings. Moreover, people distrusted the money

power, and such a proposition would at once focus the opposition. A much more modest form was proposed, the main details of which are due to Gouverneur Morris, and was approved by Congress May 26, 1781. The bank was to be under the direction of the Superintendent of Finance, and was to have a capital of $400,000. The States were to be asked not to charter other banks; the notes of the bank were to be received in payment of taxes, and moreover were to be convertible into specie on demand. Morris hoped that the bank would prove to be the principal pillar of American credit; he believed that with a well-established reserve it would attract the wealth of individuals, and thus be enabled to uphold the finances of the state.

1781–7

Government bank established

Subscriptions came in slowly, and a reorganization took place in November. The bank was incorporated by Congress in December, and began business in January 1782. There being some doubt about the power of Congress to grant articles of incorporation, the bank was chartered by Pennsylvania in the same year. Charters were granted for branches in New York, Massachusetts, and Delaware. An increase of capital stock in 1784, with a shortness of actual funds the same year, combined with causes of a personal nature, led to an investigation by the Pennsylvania Legislature. It was reported that the bank as then managed was in every way inconsistent with public safety. Operation was continued under the Federal charter until 1787, when another charter was

Operation

Criticised

1783

received from Pennsylvania. As an agent to assist the government, it fell far short of the hopes and predictions of Morris, but was in general a good investment for the holders of its stock.

The army was the chief sufferer from the inefficient government. From their winter quarters at Newburg, a deputation of three officers was sent to Congress, to present an address which explained in plain language the situation of the army. Other branches of the service, they said with truth, received money for their services: promises only were secured for the army. Of the taxes paid, little or nothing had reached the pockets of the soldiers. They commented upon the dangers which might result from a further withholding of pay, and deplored the hostility of the States to the half-pay which they were willing to commute upon reasonable terms. For seven years this army had endured these hardships, generally in uncomplaining silence, but some part of the pay long overdue would be necessary immediately to prevent an outbreak among the troops. Should a mutiny occur, it would be a difficult matter, if not an open injustice, to punish men for unfaithfulness to a government which had broken all of its engagements to them.

Newburg address from officers

Mutiny of army foreboded

Morris had nothing to offer in answer to this appeal. His drafts were already protested abroad, and yet the only practicable plan was more European drafts. Congress would not act for fear of offending the States; and the States, realizing the helplessness of Congress, declined to make any

Morris' quandary

especial or unusual effort in this extremity, which seemed to them like so many others that had preceded it. Morris sent his resignation to Congress; but a combination of all influences was able to procure only one month's pay in notes for the officers, and for the soldiers a month's pay in weekly installments of half a dollar.

1781–3

Doles on army pay account

All classes of creditors were disposed to push their claims against the government, and many of them were anxious to profit by the use that might be made of the army as a source of terror. Fear of the army began to be expressed in some quarters, and was unfortunately supported and enlarged by all manner of real and pretended evidence. Of this character was the celebrated Nicola letter to Washington. Louis Nicola was a reputable officer in the American army, foreign by birth and training, and incapable of understanding the American situation. In May 1782 he wrote a letter to Washington, in which he suggested a monarchy of which Washington should be king. It was the natural solution to be thought of by a foreigner whose training had been chiefly military, and a misconception which Washington corrected speedily in the most decided manner. The incident shows, if it shows anything, that in the uncertainty of the times men were thinking of all possible expedients, and looking for developments that would ordinarily be impossible.

Army terror used by outsiders

Nicola suggests kingship for Washington

In 1781 Gouverneur Morris wrote to General Greene that he did not expect the government to acquire strength, and that he had no hope of the

Same idea in others

1781–3

existence of the union except in the form of an absolute monarchy; and two years later he wrote to John Jay: "The army have swords in their hands. Good will arise from the situation to which we are hastening; much of convulsion will probably ensue, yet it must terminate in giving to government that power without which government is but a name." As Assistant to the Superintendent of Finance, Morris saw the most serious and hopeless side of the situation; but others understood and commented upon the conditions. In a letter to Washington in February 1783, Hamilton said: "Congress is a body governed not by reason or foresight, but by circumstances. Appearances afford too much ground for a prevailing opinion in the army, that if they once lay down their arms they part with the means of obtaining justice. Their claims, urged with moderation but with firmness, may operate on those weak minds which are influenced by their apprehensions more than by their judgments, so as to produce a concurrence in the measures which the exigencies of affairs demand. To restore public credit is the object of all men of sense; in this the influence of the army properly directed may co-operate."

Gouverneur Morris forecasts monarchy

Hamilton urges army claims

On February 15, 1783, Gouverneur Morris wrote again to Greene: "If the army, in common with all other public creditors, insist on the grant of general permanent funds for liquidating all the public debts, there can be little doubt that such revenues will be obtained, and will afford to every order of public creditors a solid security." He

Morris urges army to persist

1783

Army as tool for stronger government

imparted the same opinions to Knox soon afterward; but there was a common rumor of jobbery and speculation, and Knox would not commit himself to any plan. The army were good patriots, he believed, and would forward any plan that would produce union and a permanent constitution; but they had yet to be taught how to use their influence to produce that result. Their favorite toast was "A hoop to the barrel." "As the present constitution is so defective," Knox wrote to Morris, "why do not some of you great men call the people together and tell them so; that is, have a convention of the States to form a better constitution? This appears, to us who have a superficial view only, to be the most efficacious remedy."

Urged not to disband till paid

This letter was written the 2d of February; and early in March Colonel Walter Stuart, a reputed messenger from Morris, appeared at Gates' headquarters in the camp at Newburg, as a representative of the friends of the army in Congress. He is said to have repeated the statements that the public did not expect the army to disband until the claims had been adjusted; that other creditors would join them in compelling Congress to make some definite arrangement for their relief; and that even in Congress, there were men who favored this pressure by the army in order to force the delinquent States to do their duty. If Washington, Greene, and Knox were not to be led astray by such machinations, there were others less wise or less scrupulous, and moreover, adepts at Congressional intrigue.

1783

Newburg address

The matter was taken up by Gates and his officers. Major John Armstrong, one of his aides, drafted an address which was circulated through the camp by Gates' adjutant, suggesting a meeting of the officers the next day (March 11) to consider the adoption of measures which should furnish an effectual remedy for their grievances. The address referred to the approach of peace, and the previous reception given by Congress to the petitions of the army; and warned the soldiers that if such was the treatment when they had their swords still at their sides as the badges of their valor, they could expect even less consideration when the only witnesses of their deeds were wants, infirmities, and scars. The address concluded with these words: "If you have sense enough to discover and spirit to oppose tyranny, whatever garb it may assume, awake to your situation. Appeal from the justice to the fears of government, and suspect the man who would advise longer forbearance."

Incendiary to soldiers

Danger of consequences

There was perhaps no great danger of a mutiny; but there was a possibility of some act on the part of the officers engaged which might forever sully their laurels, and be to many of them a source of lasting regret. Moreover, to allow such a movement to proceed would be to recognize a spirit of faction, and open the way whereby the army might be made the tool of every group of discontented politicians or would-be reformers. Those acquainted with the situation knew that whatever the fear inspired in Congress,

JOHN ARMSTRONG.

the effect upon the States would not improve the situation of the army. No one had a better knowledge of the justice of the army's demands than Washington, or a deeper sympathy with the officers in their distress. Serving without pay himself, he was in a position to demand the fullest justice for his companions in arms. Moreover, Washington's influence was unbounded. Some men loved him; with others the sentiment was reverence, and when there was neither love nor reverence there was likely to be a wholesome fear. Washington had always opposed any attempt to overawe the civil power. No matter how great the defects of the Confederation might be, the remedy must if possible come from the constitutional and not from a military source; and he was not yet ready to admit that the situation was hopeless.

1783

Washington looked to

Washington began at once in his efforts to counteract the evil effects of the addresses. In general orders he disapproved of the whole plan, both address and meeting; because the first was anonymous and incendiary in its character, and the meeting could be no more than the gathering of a faction. He then invited all of the general officers, and representatives from the different regiments, to meet the following Saturday to hear the report of the committee which they had recently sent to Congress, and to take some legal and regular means of expressing their wishes. Besides this publication, Washington and his personal friends exerted their influence to direct

Disfavors Newburg plan

Calls meeting of soldiery

1783

the opinion of the army into favorable channels; while the authors of the addresses ceased their agitation, alarmed at the manner and matter of their work.

When the time for the meeting came, Gates, as the senior major-general present, was placed in the chair; where at least he could do no harm. Washington was present, and in a short speech condemned the addresses as fit work for a British emissary; and then, turning to a pleasanter subject, spoke of his own part among them, of his sympathy for their distresses, and willingness to do anything reasonable that might assist them. He then explained that any show of force would put off an attempt to meet their demands; and begged them not to take any step which would lessen their dignity or soil their glory, and to hold forever in horror and execration any man who would attempt to stir up civil discord. In conclusion, he asked permission to read a letter from an intimate friend in Congress; saying pleasantly, as he put on a pair of spectacles which he wore for the first time in public: "I have grown gray in your service, and now find myself growing blind."

Soldiers' convention at Newburg

Washington's speech

The letter, expressing the determination of Congress to do justice to the army, with the simple recognition on the part of the commander-in-chief of his age and menacing infirmities, together with the underhanded way in which the previous addresses had been made public, combined to turn all minds to an open approval of the sentiments

Reads pertinent letter

1783

expressed by Washington. After resolutions condemning the anonymous addresses, and a declaration of their intention to persist in a course of honorable patience, the officers expressed their confidence in the favorable disposition of Congress, and asked for an early answer to their petition. The report of these proceedings reached Congress the 22d of March; and on the same day that body gave proof of its sincerity by commuting the proposed half-pay for life to full pay for five years.

Army draws back from violence

Pay commuted

It was known in the United States in March of 1783 that the treaty of peace had been signed; and on April 19, the eighth anniversary of Lexington and Concord, the news was published to the army at Newburg. Greene's army heard it on the 23d; and soon afterward the North Carolina troops were sent home on furlough, and the Maryland and Pennsylvania regiments went to their respective States. The soldiers were given three months' pay in certificates, and were allowed to keep their arms. The army in the North could not be disbanded until the British were out of New York; and at Newburg there was some uneasiness regarding the final settlement, a feeling which Washington was again able to remove.

Army disbanded

Fears of being unpaid

The promised three-months' pay was not to be had immediately. The States declined to pay their quotas until a settlement was made of their accounts with the general government, and such a settlement could not be made until the ratio of assessment could be definitely established. No

Quite just

1783–6

appraisement of houses and lands had been made or was probable. Congress proposed population, counting all white persons and free citizens, including persons bound to service for a term of years, and three-fifths of all others except Indians not taxed—that is, slaves. The entirely abandoned impost was taken up, this time in the form of specific duties on certain articles, with a five per cent. duty on the value of goods, both to be granted for twenty-five years. The States were asked to provide for the same period an effectual revenue of a million and a half dollars, to be applied to the reduction of the federal debt. By these means Congress hoped to be able to pay the interest on the public debt, and trusted to the sale of lands for the extinction of the principal. Congress made every effort to secure action by the States; but it was nearly three years before seven of them had given an unqualified assent to the impost, to which nine had agreed provided all the States did so. But two States had expressed a willingness to give both impost and revenue, and four had not acted at all.

Revenue questions again

Impost hangs fire

Less than $400,000 had been received from the States in 1786; and Congress determined to make a final appeal by calling attention to the patent fact that the confederacy had broken down, and that upon this last effort the happiness of the people and the continuance of the union seemed to depend. This appeal was heeded by all the States except New York. New York was willing to grant the impost provided her own officers collected the

Last appeal of Congress

New York stands out

duty, and the sums were paid to the general government in New York paper money. A grant in this form was equivalent to a refusal; for Congress could by no means allow a precedent which would open the way for all sorts of absurd regulations on the part of the States.

1783–6

New York balks revenue plan

Congress was in the condition of a pensioner dependent upon the uncertain alms of the States. That the treaty of peace was being violated; that the most solemn obligations and promises made in the darkest days of the war were being disregarded; that criminal indifference was shown to those who had loaned and given money and security in the time of the greatest need,—aroused no feeling among the States and produced no effort for reform. The act of Congress commuting the officers' half-pay met with opposition in many quarters. The plan would save the government a considerable amount, while it would benefit the officers, since it would give them at one time a sum which would enable many of them to rebuild their ruined fortunes; but taxes weighed more heavily upon the citizens than the gratitude they should have felt toward the soldiers. Throughout New England there was a general protest against this new law, which, it was said, would complete the impoverishment of the taxpayer, increase the liabilities of the government, and create an aristocracy of wealth.

Bad results of existing system

Grudge of half-pay commutation

A convention of Connecticut towns met at Middletown in December 1783, but there were no results except envenomed and excited oratory.

Connecticut convention

1783

These and similar intemperate expressions led to a belief that an attempt would be made to evade the agreement for the payment of the army; and as the delay was prolonged, the soldiers became impatient. A body of Pennsylvania troops had been stationed at Lancaster awaiting their discharge, and the officers had prevented mutiny only by the exercise of the greatest vigilance. Finally on the 19th of June eighty of the soldiers, under the leadership of non-commissioned officers only, started for Philadelphia to demand of Congress a settlement of their accounts. They were joined by other soldiers, and that floating population which is always a part of every outbreak; but they reached the State House, made their demands with decency, and on the whole behaved respectably until they became drunk, when a few windows were broken, guns were pointed in, and there was much profane and rash talk. Congress, alarmed for its safety, sent in haste to the Council of State for protection; but Dickinson the president believed that the militia were favorable to the rioters, and he therefore declined to call them out until some open act of violence had been committed against persons or property.

Army grows impatient

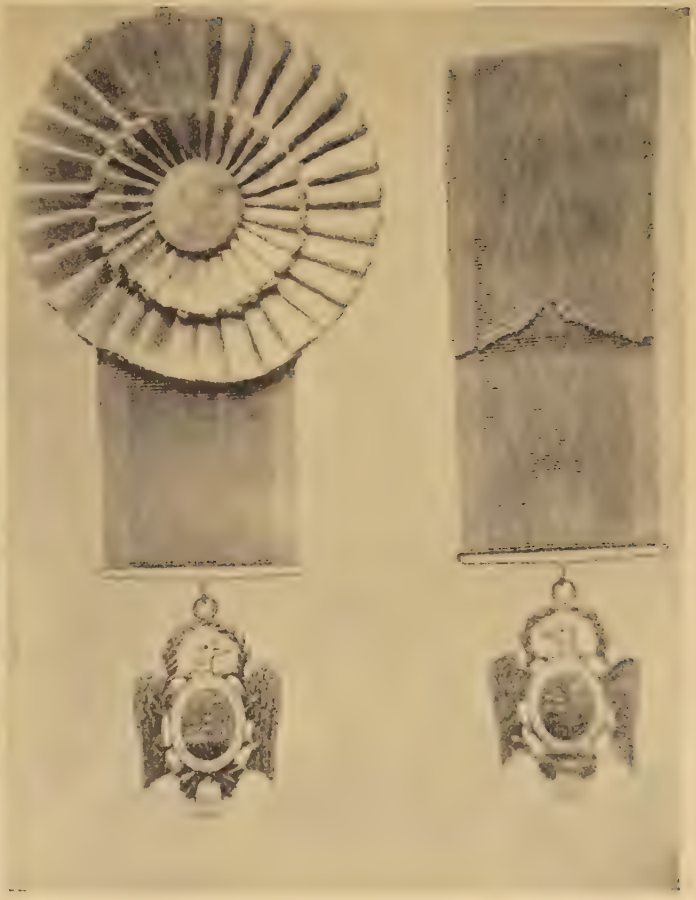
Soldiers threaten Congress

There was small comfort in this decision to Congress, which was the object of the soldiers' wrath. That night Congress adjourned, and three days later removed to Princeton, where they found quarters in the college buildings. Fifteen hundred troops were sent to Philadelphia, and speedily suppressed what remained of the revolt.

Which removes to Princeton

HENRY KNOX, SECRETARY OF WAR.

From painting by Edward Savage.



FIRST SUGGESTIONS OF BADGE FOR SOCIETY OF CINCINNATI.

1783, etc.

Some of the leaders were tried and condemned to death, but not long afterwards were pardoned. This incident completed the discredit of Congress. Many of the citizens of Pennsylvania were ashamed of the weakness shown by that State, and of the failure to protect the Union. Others were not sorry to see Congress in such a plight, and hoped that some good might result when the full disgrace of the episode was realized. There were others who believed that the whole affair was a deep-laid plot to frighten Congress from Philadelphia.

Varying judgments on terrorizing Congress

Nor were the soldiers and half-pay the only grounds for grievance on the part of the people. The officers of the army had been guilty of a serious offense. As the time approached when they must separate, an association was proposed which would enable them from time to time to renew their personal friendship, and furnish a means whereby the needy and dependent of their number might be assisted. The details of the association were left to General Knox, who was chiefly responsible for the constitution of the new society, which was named the Cincinnati. But in addition to the social and benevolent features of the organization, the constitution provided that membership in the society should descend from father to son, and should be confined, in the first instance, to the native or foreign officers who had fought in the war for liberty. The members pledged themselves, moreover, to exert their influence for the welfare of the Union, as one of

Society of the Cincinnati

1783 et seq.

the chief objects of the order; but this did not save them from a storm of denunciation as conspirators against it.

Fears over the Cincinnati

To men who lived in mortal fear of aristocratic aggression, to those who opposed the impost because it gave too much power to Congress, or who preferred the confederacy as a rope of sand rather than as a rod of iron, there were untold dangers lurking beneath the philanthropic plan of the Society of the Cincinnati. In the clause which pledged the support of the officers to a stronger government, they saw an attempt to destroy the States, the more dangerous because it was originated by the army. By the hereditary descent of membership, a nobility had been established in a land whose chief glory was that it was free from all such artificial distinctions. The order was in high favor in France. By an especial privilege from the King, the eagle and ribbon of the Cincinnati might be worn at Court where no other foreign order was to be seen.

As new aristocracy

Leading statesmen condemn it

Franklin wrote about the order and its insignia with grim humor; Samuel Adams condemned it severely, and saw in it imminent danger of foreign influence; John Adams believed it to be contrary to the spirit of the Union; and Jay said that it was no credit to the men who had formed it. The newspapers everywhere were outspoken against it; and in the elections, membership in the order was often equivalent to defeat. A committee of the Massachusetts General Court reported that the society was unjustifiable, and if

Popular hostility

CONSIDERATIONS

ON THE

SOCIETY OR ORDER

OF

CINCINNATI;

LATELY INSTITUTED

By the Major-Generals, Brigadier-Generals, and other Officers of the AMERICAN ARMY.

PROVING THAT IT CREATES

A RACE OF HEREDITARY PATRICIANS,

OR

NOBILITY.

INTERSPERSED WITH REMARKS

On its CONSEQUENCES to the FREEDOM and HAPPINESS of the REPUBLIC.

Addreſſed to the PEOPLE of SOUTH-CAROLINA, and their REPRESENTATIVES.

BY CASSIUS.

Suppoſed to be written by ÆDANUS BURKE, Eſquire, one of the Chief Juſtices of the State of South-Carolina.

Blow ye the Trumpet in Zion. The BIBLE.

PHILADELPHIA:

Printed and Sold by ROBERT BELL, in *Third-Street.*

Price, *one-ſixth of a Dollar.* M,DCC,LXXXIII.

do very well under the petty princes of Germany, yet in America it is incompatible with our freedom; and inſtead of being a bond of *political union*, it would on a future day, prove a ſource of *civil diſſenſion and miſery*: by eſtabliſhing two *diſtinct* orders; one whoſe foundation is the *Army*; the other compoſed of the *Commonalty*. Thus it opens a theatre for ignominous diſtinctions, for jealouſy and hatred, and ends in civil war, between theſe patricians and the people, if the latter had any ſpirit left. And as the Order would be firmly eſtabliſhed by time, the world in leſs than an hundred years, would find its deſcendants a race of men diſtinct from the reſt of ſociety, with the eyes of all fixed upon them, as objects of ſuch worſhip, that is is not at all improbable, but our children ſhould find the Order foiſting the divinity of their inſtitution into our pulpits, under a *jure divino* title. In a few generations hence, ſuch are the extravagancies which enter into the heart of man, the peers of Cincinnati might conſider themſelves as deriving their lineage from heaven. Let us examine the ſtory of thoſe heroes celebrated in the two immortal poems of Homer and Virgil: ſtrip it of the bewitching charms of poetry; and you ſhall find they afford not a better foundation for idolatry and the Yahoo-like worſhip of men, than the peers of our Order. The courage of Hector, engaged in defence of his country againſt a foreign invaſion: The valour of Achilles in avenging an inſult to his nation: The piety of Æneas in ſaving his father and a few images of the Trojan Gods out of the ruins of his native city: I ſpeak agreeable to truth and common ſenſe, when I ſay that all theſe exploits have been equalled by the Cincinnati. And it is equally probable that they would produce in ſome future generation of American plebeians, ſuch an admiration and idolatry, that would in the fervor of its operation, as in Rome of old, enable ſome leading man of the Order to ſet up a tyranny. Some ſycophant poet would not be wanting to proſtitute the talents which God gave him, for the vile purpoſe of dubbing with divinity, as Virgil did Auguſtus, a tyrant who had ſwallowed up the liberties of his country.

The Cincinnati at any rate would ſoon *have and hold* an excluſive right to offices, honors and authorities, civil and military. And the whole country beſides themſelves, a mere mob of plebeians, without weight or eſtimation; degraded in the eyes of our patricians, as the Roman people were by their republican nobility. Theſe held the others as Livy ſays, *in viſ Diis immortalibus: as if they were odious to the very gods*: and as the Cincinnati ſoon would, held it an abomination to intermarry with them. This degradation of the people on one hand, and the inſolence of the nobles on the other, was in Rome, as it would be with us, a political diſeaſe, which never ceaſed to diſtract that republic, until at laſt it occaſioned its overthrow. Ariſing ſolely from the ignominious *diſtinction* between the Commons, and the Patricians, as an hereditary order: who from the expulſion of the Tarquins, to the time of the Gracchi, about 300 years, produced ſuch perpetual diſcord and tumults in that republic, that nothing but its good fortune and military virtue preſerved it ſo long from deſtruction. At laſt when the people became corrupted, their diſſentions ſwelled to open rupture, or civil war; Sylla heading the nobility, and Marius the commons. The latter being compleatly vanquiſhed, the conqueror, as perpetual dictator, ſet up a tyranny: and exerciſed confiſcation, baniſhment, and every other ſpecies of cruelty which marks a diſorderly people. Still civil diſcord admitted of no ceſſation: for in a ſhort time afterwards, the fire broke out with multiplied fury, under

PAGES OF ÆDANUS BURKE'S PAMPHLET AGAINST THE CINCINNATI.

(From the Emmet Collection, New York Public Library.)

not properly discountenanced might be dangerous to the peace, safety, and liberty of the United States. 1783 et seq.

But no one raged longer or more violently than Judge Ædanus Burke of South Carolina. His *Considerations* were published throughout the States, and eventually found their way to Europe, where they formed the basis of a pamphlet by Mirabeau. "This order," said Judge Burke, "is planted in a fiery hot ambition and thirst for power, and its branches will end in tyranny. To perpetuate the memory of the Revolution no order of patricians is needed. Cannot the people of America be trusted with their own national honor without an order to superintend it? The glory of the Revolution is the purchase of the people, and the honor is common to the federal union, but monopoly is odious; yea, it is unpardonable for a few individuals to assume to themselves and posterity peculiar honors." Ædanus Burke on the Cincinnati

In deference to the popular feeling, and by the advice of the leading members, amendments were proposed to the constitution of the Cincinnati, by which hereditary membership was to be eliminated and other changes made. Some of the chapters of the order agreed to them, but the popular feeling soon subsided; no action was taken by the other chapters, and the order remains to-day as it was when Franklin made it the object of his wit, and Burke launched his thunderbolts against it. The number of patriotic orders has become so great, that the duties of membership Changes in its constitution

1773, etc.

The Cincinnati

fully occupy the time of our modern ancestor-worshipers; and among these orders the Cincinnati holds an honorable pre-eminence, but all fears of public danger have long since been removed.

The troops who had enlisted for the war were released by the furlough order of June 2, 1783. Soon thereafter, Washington made another effort to recall the States to their duties, by addressing to the executive of each a letter upon the crisis of the government and the changes which threatened the Union. He recommended an army upon a footing in times of peace which would make it effective should a war occur; a militia system uniform throughout the Union; pensions for disabled soldiers; and a speedy discharge of the obligations of the government. Commenting upon the future of the American people, he added:

Washington to the State governors

"Happiness is ours if we seize the occasion and make it our own. This is the moment to give such a tone to our federal government as will enenable it to answer the ends of its institution. According to the system of policy the States shall adopt at this moment, it is to be decided whether the Revolution must ultimately be considered as a blessing or a curse; a blessing or a curse not to the present age alone, for with our fate will the destiny of unborn millions be involved. It is indispensable to the happiness of the individual States, that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic,—without which the Union cannot be of long duration, and

everything must very rapidly tend to anarchy and confusion."

1783

The replies from the States to this letter professed the most sincere attachment to the Union, and the deepest reverence for the commander-in-chief; but the letter accomplished no immediate result other than to form another link in the chain of causes and arguments which were to lead up to a national constitution.

Replies to Washington's letter

After the definitive treaty of peace had been signed, but before the discharges of the soldiers became effective, Washington issued his farewell address to the armies of the United States. He thanked them for that display of heroic perseverance which had been their support, and had united them for eight years in the cause of freedom; and recommended that they return to their old occupations, or seek new homes in the vast territories west of the mountains. Finally he emphasized the idea which was uppermost in his thoughts, the necessity of better support and greater powers to enable the Federal government to perform its functions.

Farewell to army

The British troops left New York November 25, and the American forces entered the city on the same day. On the 4th of December the officers assembled in the dining-room of Fraunce's Tavern to bid farewell to their chief. As he saw before him, perhaps for the last time, the men who had been his companions in arms for the past eight years, the men who had ably seconded his leadership and shared with him the honor of the victory,

New York evacuated

Farewell dinner to Washington

1783

Washington's farewell to his comrades

the emotions of Washington were almost beyond his control. Suppressing his feelings, he lifted his glass and said: "With a heart full of love and gratitude I now take leave of you, and most devoutly wish your latter days may be as prosperous and happy as your former ones have been glorious and honorable."

In response to his invitation, the officers then gathered silently about him, and one by one made their farewells. With them he went to Whitehall ferry, while the soldiers saluted, bells rung, and the admiring people cheered. At the ferry he entered his barge, and stood waving his hat until the group on the dock could see him no longer.

Resigns his commission

Washington's progress from New York to Annapolis was a continuous ovation. From country houses, towns, and villages the people thronged to see him. Addresses of welcome and congratulation were showered upon him. On the 19th of December Annapolis was reached; a public ball and dinner was given in his honor, and on the 23d Washington met Congress to resign his commission as commander-in-chief. The old statehouse was filled that day by the society of the capital and State, the officers of Maryland and the United States, and the members of Congress with their friends.

Ceremony

Thomas Mifflin, the President of Congress, informed Washington that the nation in the person of Congress waited to receive his communication. He replied in words too familiar to every American to need repetition or even summary

FRAUNCE'S TAVERN, BROAD AND PEARL STREETS, NEW YORK.

here. Then Mifflin thanked him on behalf of the nation, saying: "Having taught a lesson to those who inflict and to those who feel oppression, with the blessings of your fellow-citizens you retire from the great theatre of action; but the glory of your virtues will continue to animate the remotest ages. We join you in commending the interests of our dearest country to Almighty God, beseeching Him to dispose the hearts and minds of the citizens to improve the opportunity afforded them of becoming a happy and respectable nation." Immediately after the conclusion of the ceremonies, Washington left Annapolis for Mount Vernon, which he reached on Christmas Eve, and for the first time in eight years was free from the weight of public burdens.

1783 et seq.

Public thanks to Washington

The war was now over and the army disbanded; but the work of the Revolution was by no means completed. "In our opposition to monarchy," said one of the newspapers, "we forgot that the temple of tyranny has two doors. We bolted one of them by proper restraints, but we left the other open by neglecting to guard against the effect of our own ignorance and licentiousness." But this was not all the difficulty. The nation rebelled against the burdens which threatened to overwhelm it, as the body rebels when overdriven by an ambitious and exacting mind. Part of the trouble was due to the exhaustion which followed upon prolonged exertion; part to the removal of that constant spur to action, the enemy's army within their territories. There was

New dangers

Anti-governmental

1783 et seq.

no organized system of government to foster and husband the resources of the country during the process of recovery; that must be done by the States. But the individual was as poor and as hard pressed as the States. Production had been interrupted by the war, markets had shifted and marketable products had changed. The United States of 1784 could not return to the conditions of 1775, and only half understood the forces which were at work.

Industrial disorganization

Increased particularism

For one thing, the States had greatly increased in importance; particular interests separated them—in fact, combined to make them hostile one to the other; and this tendency could be destroyed only by some motive above and stronger than the interests of the individual States.

Formerly repressed by English system

In the early days of the Revolution, the benefit of authority in Congress to regulate general and interstate commerce was not recognized, nor were the dangers due to the lack of uniformity in the trade laws of the different States likely to be foreseen. English legislation had at least secured uniformity. Moreover, trade was so hampered at the beginning of the war that there was little to be subjected to Congressional legislation. As time went on, trade increased; and with the return of peace there was every prospect of immediate commercial activity.

Now turned against them

But the States were now entirely at the mercy of the English system. The advantages, by no means small, which they had enjoyed as colonies, were cut off; they were on the footing of any

other foreign nation, with no protective regulations or trade precedents, which could be used to offset the control of their markets by the English manufacturers and traders. Habit and nationality united to make the people consumers of English goods chiefly; and their own manufactures were not sufficiently advanced to provide entirely for home needs, or in fact to operate at all effectively, without protection from English competition.

1783 et seq.

Americans at English mercy

An attempt was made to establish a reciprocity agreement, which should allow to American vessels the privileges to which they had been accustomed before the war. As Chancellor of the Exchequer, William Pitt the younger introduced in the House of Commons a bill which permitted American vessels, carrying American produce and manufactures, to enter British ports upon the same terms as British vessels, and provided further that there should be no restriction whatever upon trade from the United States to the British West Indies. The measure was not without powerful support, but the principle of it contradicted all existing theories of British trade. The bill failed, and an order in Council confined the West India trade wholly to British ships, while many important articles of export were denied entrance into British ports.

Younger Pitt champions them

Vainly

The States had no navigation laws as yet, and were unable to retaliate. They were reduced to selling in the lowest and buying in the highest markets. The attitude of England was due, in

Distress of States

1783 et seq.

part at least, to the fact that all conditions in America were well understood. A letter published in London under date of March 10, 1783, and republished in America, thus described the situation: "The States consider themselves as thirteen independent provinces, subject to no other control than that of their own assemblies. The authority of Congress, to which they submitted during the war, they have now almost generally thrown off; and unless they find it necessary to enter into a general confederacy for the good of the whole, North America will not be one but thirteen independent republican sovereignties." Under these conditions the nations of Europe believed that commercial treaties, to be binding, must be made with each of the thirteen States. The attempt to confer upon Congress the authority to regulate commerce met with the usual fate of federal measures. As a result there was no control anywhere.

State rights prevent commercial treaties

American merchants alone imported more goods than the exports of the country could pay for, and the British manufacturer or merchant through his agents divided the trade with the native dealer. After a period of comparative scarcity the markets were overstocked, and there was a volume of trade unwarranted either by the necessities or financial resources of the buyers. Home manufactures were killed by the quantity and cheapness of imported goods; and the closing of foreign markets cut off the only opportunity whereby native products could be turned into

Ruinous results to United States

money, to preserve the balance on the right side of the ledger.

1783 et seq.

When matters had reached this stage, the States began to act. Early in 1785 New York imposed double duty on all goods imported in British vessels. In March of the same year a bill establishing protective duties, but excepting nations having commercial treaties with the United States, was passed by the Legislature of Pennsylvania by acclamation. Massachusetts, Rhode Island, and New Hampshire forbade exports in British vessels, and laid tonnage duties on all foreign shipping. Massachusetts went still further, and protected her manufactures by increased duties; at the same time requested Congress to call a convention of the States, to report changes necessary to secure the primary objects of the confederacy.

States retaliate on British commerce

In England, John Adams used all the means at his disposal to secure an advantageous commercial treaty; but the effort resulted in little more than a recital of grievances by both sides. Adams complained, with justice, that the British had retained the Western posts contrary to the provisions of the treaty, and had thereby kept in their own hands a trade worth a million and a quarter each year which rightfully belonged to America. Moreover, no attempt had been made to return the slaves taken from the Southern plantations, and the owners had not only lost the slaves but the product of their labor. American goods could not be marketed, and such was the discrepancy

John Adams puts American case

1783 et seq.

between the amounts of exports and imports that there would soon be no specie left in the country if it continued.

British retort on United States

The answer to Adams' arguments was that the United States had not observed the terms of the treaty. Not only had no effort been made to secure the collection of British debts, but in many cases the States had placed legal enactments in the way of collection, notwithstanding the recommendations of Congress. In his conversations with Pitt, Adams labored without success to obtain relaxation of the navigation laws in favor of the United States. Not only was this attempt without result, but the British government ignored all his overtures, which had for an object the formation of a commercial treaty. Having obtained a complete knowledge of the American situation, and convinced that no systematic commercial policy was probable under the confederacy, England enforced the navigation laws rigorously; stifled American trade and filled the pockets of her merchants. There was no reason why England should make any particular concession to the United States, or why her late enemy should be singled out for especial favors. The States could not grant to England any privilege which France, under the treaty between the two powers, might not demand, and the benefits of American commerce came into English hands without enactments for that purpose. That the trade of the English colonies would have been benefited by free trade with America, there is no doubt; but the

Enforce trade laws mercilessly

Seemingly no reason for reverse

particular interests of the British colonies were matters of secondary consideration. 1783 et seq.

Adams continued to press the matter at every convenient opportunity; and urged, even begged, his countrymen to pass measures of retaliation, in which he had great faith. The States had many objections at first to such a plan. That Virginia should refuse to sell her tobacco to a merchant who refused to buy the products of Massachusetts, would be in their opinion a ruinous policy. Yet in time some such rule was adopted, at least temporarily, in several of the States. Pennsylvania imposed duties on foreign vessels; and the Chamber of Commerce of New York, in a series of letters, urged the necessity of uniform trade regulations and a stronger general government, both for commercial prosperity and political security. The planters of Virginia took up the question; the towns of Norfolk, Alexandria, and Portsmouth sent memorials to the Assembly, depicting in dark colors the declining trade and wasting resources of the State. There were different opinions as to who should apply the remedy. The States' Rights party, led by Benjamin Harrison and Carter Braxton, favored a local navigation law; while those who sought to turn every opportunity to the advantage of the general government favored the delegation of this authority to Congress.

Commercial retaliation

Stronger government urged in interests of trade

Madison was the chief supporter of this opinion. He urged that the general government only could pass laws which would be just to all the

By Madison

1784–6

States, and encourage equally all commercial interests. There were enough examples of the way in which the thing had been done by the States. While Massachusetts, Rhode Island, and New Hampshire prohibited exports in British vessels, Connecticut opened her ports to them; New York increased her income materially by revenues collected from Connecticut and New Jersey. Pennsylvania and Delaware had difficulty over the same subject, and Maryland and Virginia had yet to adjust satisfactorily the question of the Potomac. A committee proposed to instruct the Virginia members in Congress that the State favored a grant of authority to Congress to regulate trade; but in the heated debate which followed, the opponents of the plan, who considered it a short cut to a tyranny, succeeded in reducing the time for which the grant was to be made from twenty-five years to thirteen. The friends of the movement lost interest in it, and nothing further was done until the last day of the session, when a substitute was moved which indirectly brought about the Philadelphia convention and the Constitution.

Conflicting State trade laws

Endeavors to give Congress power

While the government of the Confederacy seemed to be rapidly losing its hold upon the States, and approaching a point where it would no longer be worthy of consideration, many of the States had been recovering from their financial difficulties and making substantial progress. This was not true everywhere, however, and a series of events in 1786 revealed the possible dangers of that liberty which ends in license. Every

Differences in State progress

1775–86

attempt to strengthen the Confederacy had been met by the cry that tyranny would be fostered and personal liberty endangered. It was now seen that personal liberty may also endanger public order and destroy all semblance of government.

Danger inverted

The character of the mass of citizens had been changed greatly by the war. Some of the leaders in politics, in society, in the church, being Tories, had been deprived of influence or driven from the country. Of the wealthy men who had engaged in the popular cause and had contributed largely to its support, many were ruined in fortune; and in the place of these two classes there were the land speculator, the jobber in Continental scrip, the purchaser of forfeited lands, the army contractor, the privateer; men who obtained great wealth by profiting from the necessities of their neighbors. They held claims of various kinds which they were disposed to press.

Revolution in citizens

The close of the war sent many men back to civil life who had no longer any love for the shop or farm, and saw themselves compelled in middle age to begin again the battle of life with the odds apparently against them. In New England, where men's incomes often depended upon two or three occupations, the more lucrative of them were now cut off. Manufacturing that had returned a small profit could now be conducted only at a loss. The fisheries were broken up for want of markets for their product. The country was drained of its specie by the excessive imports of foreign goods. In 1784 and 1785 the imports amounted to more

Business demoralization

1783–6

than thirty millions, the exports to barely nine. It was said that the further filling of the country with English goods would lead to a dissolution of the Confederacy, and a possible reunion with the mother country. Serious quarrels among the States and the stagnation of American commerce were reported. In 1785 it was estimated that the English packet-boats took from America £40,000 monthly in specie.

Balance of trade threatens Union

Samuel Adams referred to these complaints against the British merchants in July 1785; but he found still greater cause for alarm in the actions of the people themselves, who were imitating British styles and making large purchases of the foreign merchants.

Americans' own fault

Sir John Temple wrote in January 1786 to Lord Carmarthen that trade and navigation were almost at an end, owing to the English commercial policy; and that the merchants were becoming reasonable as they realized how completely they were dependent upon the favor of England. The following July he writes: "It is with pleasure that I inform your Lordship what silver and gold is to be found in this country goes in his Majesty's packet-boats to England. The last packet carried upward of three hundred thousand Spanish dollars; the one to sail to-morrow will carry as much more."

English exultation over draining America

When we add to the drain of specie caused by these conditions, the lack of markets, the weight of taxes, and the old burdens, it is not a matter of especial wonder that efforts should be

Taxes, etc., also

made to secure relief by issues of paper money, by stay-laws, by laws making various products a legal tender, and even by riotous attempts to suspend the sittings of the courts. Yet the harvests of the year had been large, barns and granaries were full, but there was no market for the produce. In the State of Massachusetts the proportion of the federal debt was $1,500,000; there were other debts, public and private, aggregating a million and a half more. It seemed that the earnings of every man in the State would scarcely be sufficient to meet their obligations. Demands were made that the Legislature issue paper money, or pass a tender law which would legalize certain articles for the payment of debts.

1785–6

Distress from lack of markets

Massachusetts

Meanwhile popular discontent was finding various forms of expression. "The lawyers are the cause of all the trouble," said one man: "abolish the men of the law and the difficulty will cease." "Lawyers are a result, not a cause," would be the rejoinder. "If it were not for habits of extravagance, shiftlessness, laziness, and consequent debts, there would be no lawyers, since there would be no practice for them. Men can see a soldier or any other public creditor sell notes or certificates at four or five shillings to the pound, but to see a collector distrain a neighbor and carry off a hog or a colt for taxes startles them exceedingly. They cry out at the hardship and cruelty of it. They think it high time to call county conventions, or apply to the General Court for a new emission of paper money. Let such men consider

Wrangling over causes

1785–6

Arguing causes of distress

the sufferings of their creditors, compare their grievances with those of other nations, quit murmuring, leave off the purchase of foreign trumpery, and above all close their ears to the advice of incendiaries, idlers, and State Tinkers." Another man broke forth like another Jeremiah in this strain of lamentations: "Luxury, luxury, the great source of dissolution and distress, has here taken up her dismal abode; infectious as she is, she is caressed alike by rich and poor."

Sectional division in Massachusetts

There was much idle talk on both sides; but that there were grievances cannot be denied, and it is probable that the eastern part of the State was inclined to give the law to the western counties. The convention had played a great part in organizing resistance in the early days of the Revolution. It was now used to express popular discontent, but in many cases met with official disapproval. There were representatives of all the counties in the General Court; and the legal way, the officials said, was to present the causes of complaint through these delegates. Conventions they held to be unnecessary and dangerous; so for that matter had the British government of old. In both cases the convention was a means of expression for certain opinions, which otherwise would have been unnoticed. The reports of these meetings are similar in their character and contents. Citizens of Marshfield, Newton, and Attleborough complained of heavy taxes, of increasing pensions and salaries to the State officers, of the concentration of government in the hands

Conventions disapproved

Complaints

of men of wealth, of the neglect of petitions when presented, of the charges of treachery and incendiarism made against the petitioners. 1786

To the above, the convention of Worcester County added a resolution, declaring that a convention was a lawful and constitutional way of obtaining redress of grievances. Complaints were made of the continued meeting of the General Court at Boston, which gave that town undue influence. The want of a circulating medium, unreasonable and unnecessary grants by the General Court, too many officers drawing large salaries, and the payment of money to Congress while the accounts of the State were still unsettled, completed the list of their troubles. Massachusetts conventions: grievances presented

On the 23d of August, a convention of the towns of Middlesex County presented a similar list; but added the opinion that the Court of Common Pleas was a burden, and urged a very just complaint, the imprisonment of men for debt when they possessed sufficient property to satisfy the claim. Several of the conventions urged the protection of home manufactures, and bounties on hemp, flax, and wool. A town meeting in Boston, September 11, adopted an address to the governor in which strong disapproval of the disorders in the western counties was expressed; and soon afterward a circular letter was sent to the different towns in the State, asking them to bear their burdens cheerfully until a constitutional means of reform could be found. Instructions to representatives was the correct remedy, in the opinion Boston remonstrates to towns

1786

of Boston. If they did not do their duty, elect others the following year. The path to political and private happiness was through industry and frugality. In closing, the well-affected citizens in each town were asked to rally to the support of the government.

Boston asks government support

Meanwhile the disaffection had spread to three eastern counties, but for somewhat different reasons. Delegates from twenty-two towns met at Portland to obtain a separation from Massachusetts. Their chief complaint was the distance from the seat of government, and the attendant inconvenience and expense. A series of resolutions from Suffolk County was based upon the financial distresses particularly. To pay any part of the principal of the State debt in the prevailing scarcity of money, to permit usury, to allow British imports to an unlimited extent, were heavy burdens upon the people. A false idea of honor permitted foreigners unrestrained recourse to law to collect specie, when there was not enough in the country to pay them. The British sued the merchants, the merchants sued the small traders, who in turn sued their customers. The latter had nothing to pay with except real property, and for this they could not find a market.

Maine wants separation

Suffolk County resolutions

Resolutions and conventions soon led to outbreaks, which had for their main object the suspension of the courts. In August 1786, a mob said to number 1500 men prevented the Court of Common Pleas from sitting at Northampton. Early in September the court at Worcester was

Mobs begin

forced to adjourn; and in Middlesex the insurgents, led by Job Shattuck and Nathan Smith, terrified the law-abiding people and broke up the session of the court. A mob of 800 men in Berkshire County freed the prisoners, and compelled a majority of the judges to agree not to act again until the grievances of the people had been redressed. The most serious matter was the attempt to prevent the Supreme Court from sitting at Springfield, where it was expected that many of the rioters would be indicted. The governor, Bowdoin, ordered 600 militia under General Shepherd to Springfield, to preserve the peace and protect the Court; but on the morning of the session, the malcontents gathered in such force that the court adjourned after two days.

1786

Riots in Massachusetts

In the mean time the General Court had convened at Boston, and had taken up the petitions from the various towns. An act of indemnity was passed, with one to cheapen legal processes, and another to suspend with certain limitations the laws for the collection of private debts. Moreover, the whole subject of public grievances was investigated, and a report submitted, which found that the chief source of the trouble was the misinformation of the people regarding public questions, and the evil influence of designing demagogues. In but few cases had salaries been raised, and the advance was more than offset by reductions. The majority of the people of the State favored Boston as the seat of government; and the Court of Common Pleas, except for a slight

Indemnity and Stay laws passed

Report to Legislature

1786–7

change of name, had been in existence since the early colony days. Moreover, the petitions and resolutions of the different conventions were so contradictory that it would be impossible to heed them all, and in many cases the convention represented a small minority of the people.

Report of Massachusetts legislative committee

The action of the General Court did not relieve the situation. About a thousand of the insurgents gathered at Worcester in December; and their threats alarmed the town of Boston, which the inhabitants prepared to defend. There were many petty crimes, and the governor determined to call out a force of militia sufficient to put down the insurrection. General Lincoln was given command of four thousand men, and late in January 1787 set out for Worcester. The insurgents had by this time moved on Springfield, hoping to get possession of the arsenal. General Shepard with a force of twelve hundred men held the town; and the plan of Shays and his lieutenant Luke Day was to cut off Shepard, and take the arsenal, before reinforcements could arrive from Lincoln.

Insurgents gather

Military sent against them

Shays' plan

The Shays forces were in three bodies: on the north were the Berkshire men under the command of Eli Parsons; on the west across the Connecticut were Luke Day and his forces; while Shays with the largest detachment, of about one thousand men, occupied the road to Boston. Lincoln's forces were approaching rapidly, and Shays determined to attack at once; but his plans for the co-operation of Day failing, the forces of General Shepard were equal to his own. There was also

Forces

a lukewarmness, a general disinclination to fight, which comes from the knowledge that a cause is bad. 1787

The attack was made on the afternoon of the 25th of January. The insurgents moved in good order upon the arsenal, summoning its defenders to surrender; but were met by an artillery fire directed over their heads. This they disregarded, and advanced until a second discharge killed four of their number, when the rest broke ranks and fled. Shays did his best to rally them; but during the hasty retreat which followed, more than two hundred stole away to their homes. Shays retreated to Amherst and then to Pelham; and after some correspondence with Lincoln upon the subject of disbanding his followers, quartered his men in Petersham. Here he was surprised by Lincoln, who made a forced march through a severe snowstorm; some of the insurgents fled to Athol, some to neighboring States, but many of them went home thoroughly disgusted with the whole affair.

Shays at Springfield

Routed

There was now no great danger of further organized resistance; but small parties committed depredations about West Stockbridge and Williamstown, and Parsons tried to collect the fugitives who had found shelter in New York and Vermont. The governors of New York and Connecticut assisted the authorities of Massachusetts by their efforts to apprehend the insurgents; but in Vermont and Rhode Island they were unmolested. During the following spring and summer

Remnants keep the field

1787, etc.

the courts were busy with the indictments and trials of the rioters; but first a general pardon was offered to all who had not been leaders in the outbreak, provided they would take the oath of allegiance. Those who had taken part in the disturbances were disfranchised for a period of three years, however, and not allowed to obtain licenses as innkeepers or retailers of liquors, or to serve as schoolmasters or jurymen. A commission was created to deal with the leaders. Fourteen were found guilty of treason and sentenced to death, others were convicted of inciting sedition; but all were pardoned eventually. Notwithstanding the mistakes of the insurgents, there was considerable public sympathy with them; because the conditions which led to the revolt were apparent, whatever might be their cause. This feeling showed itself strongly in the ensuing elections, when many of those who had advocated the most severe measures against the rebels were left out of office.

Trials of Shays rioters

Public sympathy

In New Hampshire there were similar disorders, but by no means as serious as those in Massachusetts. In August 1786 committees of thirty towns met in convention, and prepared a petition stating their grievances, and urging an issue of paper money, but without a suggestion of future redemption or security. The legislature, in reply, prepared a bill for an issue of £30,000 bearing interest at four per cent.; with landed security and a definite plan of redemption. The new paper was to be made a legal tender in payment of taxes and the salaries of public officers.

Disturbances in New Hampshire

1786–7

Rebellion in New Hampshire

This bill was transmitted to the towns for their assent. On the 20th of September a mob of four hundred men, about fifty armed with muskets, the rest with swords and clubs, gathered at Kingston and marched to Exeter, where the General Court was in session. The leader, Moses Finch, demanded an immediate answer to the previous petition of the towns.

The House of Delegates was inclined to favor the insurgents, to the extent at least of appointing a committee to consider their demands; but the Senate would not agree. One of the members of that body made a stirring speech to the mob, showing them the folly of their course, and explaining to them that they represented the opinions of but thirty out of two hundred towns; and that even if all had agreed, the General Court could not yield to an armed force. The rioters were so enraged by this refusal of the Legislature, that they determined to keep the members prisoners until they replied favorably; but shortly after dark, when the mob was clamoring for paper money, for destruction of property, for the annihilation of debts and taxes, the sound of a distant drum was heard, and shouts for the government, which so terrified the rioters that they fled without further ceremony. By morning the militia and friends of good order had collected in numbers sufficient to prevent further disturbance.

Besiege the Legislature

Disperse

Vermont

In Vermont there was interruption of the courts, but the Legislature contrived a way to allay popular discontent.

1785–6

Rhode Island was the only State in which the believers in paper money, in tender and stay laws, were able to have their own way for any length of time, and legally through their majorities in the elections. A petition for an issue of paper was presented in January 1785, but was refused; whereupon the party favoring it began an active canvass of the State, which resulted in a change of more than half the members of the Legislature at the next election. The new members were with few exceptions friends of paper money, and signalized their induction into office by issuing bills to the value of £100,000, besides withdrawing the land tax and suspending the excise. A forcing law made the money legal tender, and established heavy penalties for refusing it. The merchants of the larger towns, Providence, Bristol, and Newport, complained of the injustice of the law; many of them closed their shops, and others threatened to leave the State. On the other hand, the farmers were angered by the merchants' refusal to accept the paper, and declined to bring their produce to market, thus creating in the towns a condition verging closely upon want. At Newport there was open violence. A town meeting at Providence made suggestions of a compromise, which were not received with favor, and conventions offered all sorts of worthless remedies for the diseases of the State—everything except ceasing to insist on making a new human nature.

Paper money party wins in Rhode Island

Towns against country

A test case soon came before the courts, in the form of a complaint made by John Trevett, a

cabinet-maker, who had tendered one of the new bills to John Weeden, a butcher, in payment for meat, and which Weeden had refused to receive. By the forcing act, such trials were to be without a jury; and since the judges were dependent upon the Assembly, the advocates of paper money felt reasonably certain that the case would be decided in their favor. To their surprise, however, the judges declared the law unconstitutional. The elation of the sound-money party was cut short by a summons to the judges to appear before the Legislature, to account for their decision; and by a new act, providing an iron-clad test oath which would force the money into circulation, by placing heavy disabilities upon those who refused to take it. But the Legislature had gone too far. There was danger of destroying all the trade of the State, and forcing capital to seek openings elsewhere. Three towns only supported the oath, and the next Legislature repealed it. The paper sank steadily in value, and the ill feeling between the parties continued for some years to be a bar to the progress of Rhode Island.

1785–6

Trevett vs. Weeden

Paper-money act thrown out

Attempted test oath

Few of the States did not make the mistake of yielding to some degree or other to the popular demand for paper. New York issued a limited amount which was not legal tender in all cases; after a struggle in which the city, led by the chamber of commerce, endeavored to avert what the merchants considered to be a disastrous blow to the commercial prosperity of the State. New Jersey paper money, declined by New York on the

New York paper money

1784–5

one side and Pennsylvania on the other, depreciated until it became practically worthless. In Pennsylvania the agitation lasted through the years 1784 and 1785, when a small and well-secured issue was made a legal tender in payment of taxes and public creditors.

Paper money in Pennsylvania

A paper-money bill failed to pass the Senate of Maryland; but the subject formed the basis for party division in 1787, while in Virginia the cry for paper was confined to a few counties. North Carolina emitted a large amount of currency, which was made a legal tender and loaned on landed property. To increase the circulation, the State bought tobacco, paying in paper double the market value in specie. The result was that every man who had tobacco hastened to sell it and pay his creditors with the paper. In South Carolina and Georgia, intimidation and force were used to compel the circulation of this currency. Under these circumstances it is no wonder that public confidence was lacking; that trade, sufficiently hampered by other causes, lost ground slowly; and that one principle always in the minds of the framers of the Constitution when it came was an effectual prevention of such abuses in the future.

In the South

Reform efforts

While this agitation was going on throughout the States, there were efforts made, particularly in Massachusetts, Connecticut, and Pennsylvania, to amend matters by teaching correct principles of economy, by encouraging home manufactures, and by producing those articles which might be

1774–84

disposed of more readily in foreign markets. Societies of farmers, manufacturers, and merchants were organized, and pledged to use American products, to foster inter-State trade, and to adopt any effectual means to more rapidly balance the exports and imports. If the country could supply its own markets and practice frugality—if above all a general government with power to regulate and protect commerce could be secured, the United States in a few years might hope to be independent.

Home markets and strong government

Any project for the development of commerce at this time was incomplete without taking into account the Western country, which would soon have vast quantities of agricultural products to be exchanged for the manufactured articles of the East. The States that possessed western lands realized, soon after the close of the Revolution, the necessity for a satisfactory means of communication between the two sections. For the same reason there was general interest in the improvement of the eastern waterways. As early as 1774 the possibilities of the Potomac and James were discussed, with the ultimate intent of establishing thereby commercial intercourse with the West. In the autumn of 1784 a committee was appointed, of which Washington and Gates were members, to confer with the State of Maryland concerning the proposed improvements at the head-waters of the Potomac; and soon afterward the Potomac and James River Companies were formed for that purpose.

Schemes to develop the West

Waterways

1784

Jurisdiction over Potomac

The question of jurisdiction over the Potomac was in doubt. The southern boundary of Maryland, by the terms of the Baltimore patent, was the southern shore of the Potomac; and the Virginia constitution of 1776 had confirmed to Maryland "all the territories contained within its charter, with the rights of property, jurisdiction, and government, and all other rights whatsoever which might at any time have been claimed by Virginia excepting the free navigation of the rivers Potomac and Pokomoke."

Question reopened in Virginia

So matters stood in 1784, when Madison wrote to Jefferson questioning that action, and proposing to reopen the discussion as to jurisdiction. He believed that Virginia should have control of half of the rivers, but was not certain how the mistake might be best corrected. In June 1784 the Virginia Assembly appointed by resolution George Mason, Edmund Randolph, James Madison, and Alexander Henderson, to meet commissioners to be chosen by the State of Maryland, and with them to frame "such liberal and equitable regulations concerning the river as might be mutually advantageous to the two States." By a resolution of December 1784, the commissioners were authorized to inform Pennsylvania that

Maryland joins

Maryland and Virginia proposed to improve the Potomac to the head of navigation, and to open thence a road to the upper courses of the Ohio, which were to be made navigable if not already so. In view of the great expense, the two States asked the privilege of free transportation for

1784–5

Proposals of Maryland and Virginia

their own products, excepting only the charges that were necessary to maintain the communications; and promised passage to Pennsylvania products upon the same terms, within the jurisdiction of Maryland and Virginia. In these improvements the State of Pennsylvania was invited to co-operate.

Commercial convention at Alexandria

The time and place of the proposed meeting was to be determined by the Maryland commissioners, Thomas Johnson, Thomas Stone, Daniel Jenifer of St. Thomas, and Samuel Chase. By some unaccountable blunder the Virginia appointees were not informed of their powers or of the time of the meeting, which Maryland had set for March 20, 1786, at Alexandria. Mason learned of it through letters of the Maryland delegates, who proposed to stop with him on their way to Alexandria; and he informed his neighbor Henderson. Madison and Randolph knew nothing of the meeting until it was over.

Commissioners visit Washington

After some days at Alexandria, the commissioners went to Mt. Vernon upon an invitation from Washington, and there prepared the form of an agreement which was afterwards ratified by both States. Fishing, quarantine, the building and maintenance of light-houses, the punishment of piracies, return of fugitives from justice, and in general an extension by each State to the other's citizens of all privileges enjoyed by its own people, were the chief subjects of the agreement. Maryland, in her act ratifying this report, invited Pennsylvania and Delaware to combine in

1785–6

annual meetings of the four States to discuss commercial questions.

Nothing further was done in the Virginia Assembly until the last day of the session, except levying a duty of ninety-five shillings a ton on all foreign vessels not having commercial treaties with the United States. On June 21, however, the Madison-Tyler motion for a general commercial convention was taken from the table, and passed with only two dissenting votes.

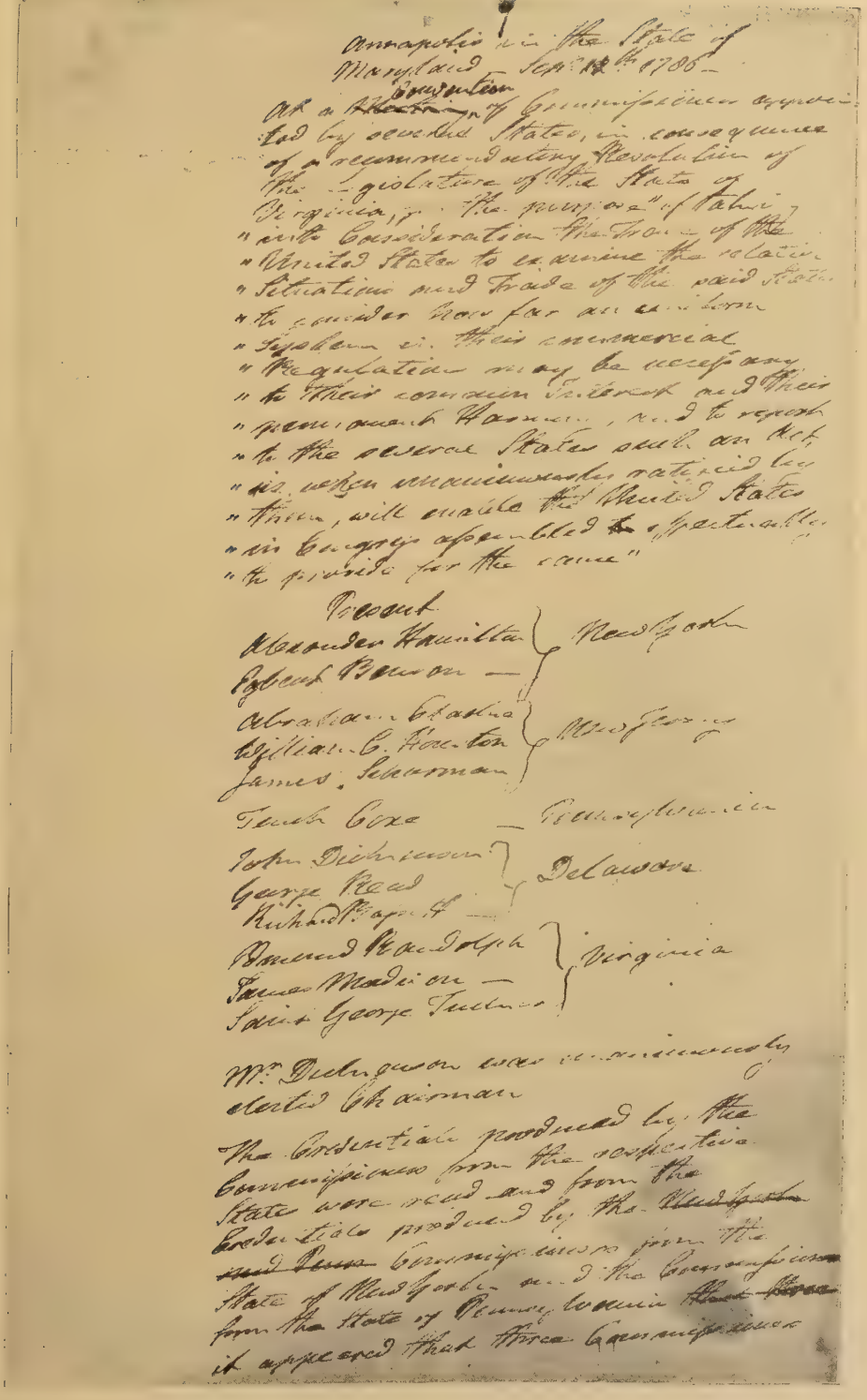
Virginia votes for commercial convention

The first Monday in September was the time, and Annapolis the place, chosen for the convention, since there the delegates would be removed from the influence of Congress and the great commercial centres. The plan was open to objections, Madison thought, but the consequences might be better than was anticipated at first. Delegates were instructed to consider a uniform system of commercial intercourse and regulations, and to report to the States an act which, when properly ratified by them, would enable Congress to establish such a plan.

To meet at Annapolis

When the time for the convention came, it was found that but five States were represented. These were Virginia, Delaware, Pennsylvania, New Jersey, and New York. The lower house of Maryland had proposed to appoint delegates; but the Senate, fearing to encroach upon the prerogatives of Congress, refused to concur. Connecticut disapproved of conventions as a matter of principle. North Carolina made her appointments too late; while South Carolina believed she had done

Delegates to Annapolis Convention



Annapolis in the State of
Maryland Sept. 14th 1786.

Convention

At a Meeting of Commissioners appointed by several States, in consequence of a recommendatory Resolution of the Legislature of the State of Virginia, for the purpose "of taking into Consideration the Trade of the United States to examine the relative Situations and Trade of the said States to consider how far an uniform System in their commercial Regulation may be necessary to their common Interest and their permanent Harmony, and to report to the several States such an Act relative to this important object as when ratified by them, will enable the United States in Congress effectually to provide for the same"

Present

Alexander Hamilton } New York
Egbert Benson —

Abraham Clark } New Jersey
William C. Houston
James Schureman

Tench Coxe — Pennsylvania

John Dickinson } Delaware
George Read
Richard Bassett —

Edmund Randolph } Virginia
James Madison —
Saml. Geo. Tucker

Mr. Dickinson was unanimously elected Chairman

The Credentials produced by the Commissioners from the respective States were read and from the Credentials produced by the New York and Penna Commissioners from the State of New York and the Commissioners from the State of Pennsylvania it appeared that three Commissioners

PAGE OF MINUTES OF THE ANNAPOLIS CONVENTION.
(From the Emmet Collection, New York Public Library.)

her whole duty by consenting to Congressional control of trade for fifteen years. The delegates of Massachusetts reached Philadelphia only to learn that the convention had adjourned; and the Rhode Island delegates did not arrive in time. 1786

The convention met September 11, and after a two-days' session adjourned, and transmitted a report to the States signed by John Dickinson, the chairman. The delegates found that while the instructions of three States agreed, those of the fourth, Delaware, specified that the work of the convention should be submitted to Congress for its approval, as well as to the legislatures of the several States. New Jersey enlarged the powers of her commissioners, instructing them to consider other important matters which would advance the common interest and permanent harmony of the several States. The Annapolis Convention

Moreover, the instructions of the States had assumed that the delegates would appear from most of them; and with so meagre a representation the commissioners did not think it wise to go further than a simple recommendation. They suggested another convention, with authority to remedy defects in the Federal government which might appear after careful examination; but did not attempt to enumerate or explain the nature of the defects. The convention which they recommended to be called in the city of Philadelphia, in May, was to take into consideration the situation of the United States, and to devise such provisions as to make the constitution of the Federal Recommends another in Philadelphia

1786

government adequate to the exigencies of the Union. Copies of the report were sent to Congress and to the States not represented, and personal influence was soon at work to secure the adoption of the report in the various States. Such were the preliminaries of the Philadelphia convention. Only by a step at a time it was possible to obtain a Constitution.

Sequelæ of Annapolis Convention

CHAPTER LIII.

THE WORK OF THE PHILADELPHIA CONVENTION

The attempt to secure a convention of the States with delegates not bound to a rigid course by definite instructions, was the last card of the friends of a stronger government. They were not unaware of the objections which might reasonably be urged against a convention as a remedy; but the futility of further attempts to strengthen the Articles of Confederation by strictly constitutional methods, needed no more complete demonstration than was afforded by the history of the impost act.

Stronger government impossible by regular methods

It is given to but few men of a generation to interpret accurately the tendencies of their own times, or to predict the developments of the future. America had her theorists, her men of affairs and science; but while some of them divined in part the destiny of the new country, not one of them was able to form a faint image of the great nineteenth century. Their first duty was to correct the defects nearest them, the second to protect their descendants against the evils from which they themselves had suffered.

Work for present, not future

It was rumored in Europe that the Confederacy was doomed, and that there would soon be thirteen sovereign States in fact and name. At

Union not thought permanent

1786

home there was at bottom very little of this feeling; but a separation into three States upon geographical lines found favor in certain quarters. Most men, however, would perpetuate the Union; but the form in which it was to be cast, and the results which should legitimately follow from it, were by no means determined.

Union or Unions?

Condemnation of the system which had ostensibly supported the States during the war—in reality had only been coincident with it—was not universal. Men pointed with pride to what had been done, without reflecting or rather perceiving that it had been done in spite of and not by means of the system; and believed that time would correct the evils of which the people complained. "Beware," said they, "of the insidious introduction of tyranny under the guise of providing a stronger government, a tyranny that will destroy the power of the States and eventually subvert personal liberty." "Those who want a stronger government," said these advocates of the old plan, "are the creditors, the usurers, the stock-jobbers, the speculators, and the British merchants."

Confederacy not wholly unpopular

Objections to strong government

By the other party, the prevailing evils were traced to their true source in that general disorganization which follows upon war; in the absence of definite commercial relations between the States themselves and with foreign countries; in the large imports and correspondingly large withdrawals of specie from the country; in the lack of markets, and the weight of taxes. Of these commerce was the main disturbing factor, because

Causes of distress

upon it so many of the others depended. It was but natural that the first effort should be to provide the machinery to regulate it; yet most important, and independent of interest or class, was the preservation of the Union which alone made a great nation possible. There was as yet no genuine national feeling; to create and preserve it the National Constitution was framed.

1786

First object of reform

The situation interested the envoys of England and France; but they predicted different results. The Englishman was of the opinion that general confusion would ensue, and hoped that in the darkest hour, when the States should seek aid and counsel in Europe, they would apply to the best of sovereigns, who alone could and would have an unfeigned regard for their welfare and happiness. The Frenchman, Otto, found the root of the trouble in the excessive independence which had been granted in the beginning of the war, and could not be withdrawn. There was no noble class, it was true, to curb this unusual liberty; but there was a class called "gentlemen," merchants for the most part, and it was to this class that the Annapolis Convention owed its origin. There they had concealed their designs, never meaning that it should be more than an approach to a more effective body; and had published an ambiguous report, which soothed the fears and allayed the suspicions of the friends of the old government.

English and French outlook

When the report of the Annapolis Convention reached Congress, and action upon it was proposed, the Massachusetts delegates, led by Rufus

1786

King, successfully opposed an adoption or recommendation. The principal grounds of their objections were constitutional and correct. The report called for a convention to amend the Articles of Confederation, while the Articles themselves prescribed the legal way of amendment. A convention could be little more than an extra-constitutional body without authority in the case; and for Congress to put into the hands of the convention the means by which the life of Congress itself would be endangered, was a thing beyond comprehension. The New York delegates were satisfied with the Confederacy, which was powerless to restrict its local ambition. A few minor changes would serve all purposes of the Union.

Congress and the Annapolis Convention

Meanwhile the events in western Massachusetts worked a change of heart in her delegates in Congress, and they became ardent advocates of a stronger system. Even the new nobility, the Cincinnati, were forgiven; and the clause in their constitution which pledged them to an effective government was a source of no small comfort. "My sentiments," said King, "are the same as to the legality of the measure; but I think we ought not to oppose but to coincide with this project. Events are hurrying us to a crisis. Prudent and sagacious men should be ready to seize the most favorable circumstances to establish a more perfect and vigorous government." The reasoning was sound. The government was the thing, and there was no other practicable way of getting it.

Shays' Rebellion converts Massachusetts

1786–7

The prominent part that Virginia had taken in the Annapolis Convention induced the hope that she would act upon the report promptly and decidedly. Her Assembly early in November unanimously approved the call for the Philadelphia Convention, to which seven commissioners were appointed. The preamble to the act of appointment was the work of Madison, and was a clear exposition of the conditions of the Confederacy. A second convention was recommended rather than a discussion in Congress, because first, the routine work of Congress would be the source of constant interruption; and second, by the three-year rule of the Confederacy, or by the laws of the States, many persons of the highest reputation could take no part in the proceedings. From the actual situation, and the alarming representations of Congress, there could be no doubt the crisis had arrived at which the people of America were to decide whether they would, by wise and magnanimous efforts, reap the just fruits of that independence which they had so gloriously acquired, and of that Union which they had cemented with so much of their common blood; or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they would renounce the auspicious blessings prepared for them by the Revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valor it had been accomplished. Virginia for herself proposed to lay aside all inferior considerations, to concur in those measures which should

Virginia approves call for Philadelphia Convention

Reasons voiced by Madison

1786-7

make the United States as happy in peace as they had been glorious in war.

Appointments to Philadelphia Convention

New Jersey seconded the action of Virginia, appointing delegates the 23d of November; Pennsylvania chose her delegates before the end of the year; North Carolina in January, and Delaware in February 1787.

State instructions

Six States had selected representatives before Congress was ready to express a final opinion. The Legislature of New York instructed her members of Congress to recommend a general convention under the auspices of Congress. When this proposal failed, King of Massachusetts introduced a resolution which ignored the Annapolis Convention and its work, but recommended to the States a convention identical in place and time with that proposed by the Annapolis report. By the Congressional resolution, the convention was to be called for the sole and express purpose of revising the Articles of Confederation; by the Virginia act the delegates were to devise and discuss alterations and other provisions; New Jersey commended to her representatives the consideration of the state of the Union as to trade and other important matters. The acts of Pennsylvania and North Carolina resembled that of New Jersey in that the chief object was the establishment of an adequate government; Delaware excepted from alteration that part of the Articles of Confederation which gave one vote to each State.

All of the States made their appointments in time to be represented on the second day of the

convention, except New Hampshire and Rhode Island. The former was known to be favorably disposed toward the convention, and a later appointment was expected. The two houses of the Rhode Island Assembly could not agree: when the lower house proposed to send delegates the Senate refused to concur, but later proposed a similar measure which the lower house declined to pass, fearing the loss of independence and restrictions upon paper money. A letter from the merchants of Providence assured the convention of the good wishes of the trading classes, and expressed the hope that Rhode Island would agree eventually to whatever seemed necessary for the general welfare. South Carolina's appointment implied a revision only of the Articles of Confederation; Connecticut, by adopting the words of the Act of Congress, seemed to confine her representatives to the same limits: but there was no intention on the part of either State to prevent free discussion, or the course that wisdom might suggest.

Laggard States at Convention

Rhode Island's fears

As the news of the acts of the States spread throughout the country, it was noticed that the choice of delegates had fallen upon men of the highest standing, men whose names would give weight to any project, men for the most part who were Federal in their views. Of the great Revolutionary names a few were missing: Samuel Adams and Richard Henry Lee were Anti-Federal in their tendencies; Patrick Henry was appointed and urged to accept, but excused himself for financial reasons,—pretty certainly wishing also to be

Federalist leanings of delegates

1787

Grand membership

entirely free to oppose any plan of which he did not approve. Thomas Jefferson, then in France, wrote that the convention was an assembly of demigods; and truly, its equal could have been obtained with difficulty even in Europe.

Of the men who gathered in Philadelphia that May day, to derive a formula which should make the American experiment a success, the foremost in reputation was Washington. His far-reaching personal influence had been exerted to make the convention possible; he had been chosen as first representative of his State. For a time it seemed that he could not be induced to accept; for an invitation to attend a meeting of the Cincinnati, to be held in Philadelphia early in May, had been declined, and Washington feared that his attendance in the convention might seem an intentional slight to his old companions in arms. He was assured also by some of his friends that the convention would end in failure, and for his own sake urged to take no part in it; while others besought him to reserve the exercise of his immense power over the people for that crisis which must certainly come, as a result of the prevailing disorder. But news of the appointments came, and plans for the convention were gradually matured. Madison and Randolph were insistent, and represented repeatedly the well-known fact that Washington's personal presence in the convention would be one of the strongest factors in favor of any plan which it might produce. When he became convinced that there was a probability of success, both from the

Washington hesitates

Great pressure on him

1787

Washington president

number of States to be represented and the character of the representatives, he accepted the appointment, and as president of the convention gave the weight of his authority to its proceedings.

Edmund Randolph

The official head of the Virginia delegates was Edmund Randolph, the governor; descendant of Augustine Herman of Bohemia Manor, allied by blood to half the aristocracy of the Old Dominion. His grandfather Sir John and his father John Randolph were each king's attorney. His uncle Peyton Randolph, the first president of the Continental Congress, was perhaps Washington's most intimate friend; while between his father and Jefferson there existed a friendship which the war did little to weaken. Edmund Randolph was graduated with high honors from William and Mary College at eighteen, and soon afterward began the study of law. When the Revolution opened, his father went to England with the royalists. The son, Edmund, took the other side; was for a time a member of Washington's staff; became attorney-general of the State in 1776; was elected twice to the Continental Congress; and in 1786, at thirty-three, became governor of Virginia.

James Madison

But the man of the Virginia group to whom the people owed the greatest debt of gratitude for his relations to the Constitution was James Madison; who had labored for three years with the single purpose of securing a government which should guarantee the happiness and uphold the dignity of the United States. He had begun a systematic study of the history of federal government

1787

Madison's studies in federal government

as early as 1784; and in the convention courted the reputation of a pedant, if not of a bore, by his persistent historic references to all political organizations of that type, ancient and modern. Jefferson in France was drawn upon for the latest books; others were obtained from various sources, until Madison's library contained all that was worth having on the subject.

Before the convention met, Madison had analyzed the constitutions of the Lycian and Achaian confederacies, of the Amphictyonic League, the Swiss Confederation, the German Empire, and the United Netherlands. Part of these, with an abstract of Montesquieu's *Spirit of Laws,* he loaned to Washington; others were sent where they would be of most service in illustrating the lesson that Madison wished to teach, the inefficiency of federal government. Madison prepared the rudiments of a constitution, with Randolph's assistance and suggestions, which the governor was to present to the convention; and when that body was in session, it was Madison again who took his seat near the centre of the house, directly in front of the Speaker, and spent the days of a Philadelphia summer in speaking or taking notes. On his return to his lodgings his notes were written out, to be examined later or referred to the speakers for any passage of doubtful meaning.

Propagandism

His notes on the convention

Madison was the last survivor of the convention. Upon his death the notes were published, and form with the *Federalist* the most valuable commentary upon the Constitution, since they are

1787

James Madison

the records of the builders. Retiring, modest, small in stature, precise in person and thought, methodical in all his ways, clear-headed and a close reasoner, with a capacity for an immense amount of details, logical and convincing in speech though lacking in the graces of a finished orator, James Madison was one of the most useful men of his day, a man who rightly earned the title of "Father of the Constitution."

George Mason

The other members of the Virginia delegation were George Mason, John Blair, George Wythe, and Dr. James McClurg. George Mason was in his day the best example of a type produced by a sense of great responsibilities, by a system of liberal self-culture based upon a sound education, by great wealth used wisely, by political ability of high order enlisted only for the service of his country. There are few American lives that show higher ideals. Madison styled Mason the best debater he had ever known, and Jefferson called him the wisest of his generation. His public services began when he drafted the Reply of the Planters of Virginia to an Address of the London Merchants, following the repeal of the Stamp Act. Mason was the author of the Non-Intercourse Resolutions, a member of the Virginia Convention of 1775, of the Constitutional Convention of 1776; assisted in revising the Virginia Code; and was an active member of the Philadelphia Convention. Believing that the new Constitution did not guard sufficiently individual rights, but opened the way for a monarchy or tyrannical aristocracy, he

1787

refused to sign it, opposed its ratification in Virginia, and favored a second general convention.

Blair, Wythe, McClurg

John Blair and George Wythe were noted Virginia lawyers. Blair was a graduate of William and Mary, later a student in the Temple, chief justice and judge of the High Court of Chancery. Wythe, who was a chancellor of Virginia for twenty years, numbered among the students whom he had trained for the bar two Presidents of the United States and their greatest Chief Justice. Dr. James McClurg, also a graduate of William and Mary, was one of the leaders of the medical profession in his State.

Massachusetts was represented by Elbridge Gerry, Rufus King, Nathaniel Gorham, and Caleb Strong. Gerry's name stands fifth on the Declaration of Independence, and is associated closely

Elbridge Gerry

with all events which made up the Revolutionary history of Massachusetts. He was for five years a member of the old Congress, and served on the important committees of finance and army supply. After declining an appointment to the Annapolis Convention because he believed the powers of that body insufficient, he became an active member of the Philadelphia Convention; but like Mason, refused to sign the Constitution because of what he believed to be its undemocratic tendencies.

Rufus King

Rufus King was a man of cultivated and powerful mind, pleasing in person and address and a convincing orator. For a time he opposed all tendencies to centralization, but in the convention took the part of a moderate Federalist. Later

he contributed not a little to the success of the Constitution in the Massachusetts Convention of 1788. Nathaniel Gorham was a native of Charleston, who had served his State in various offices and been a member of Congress; its president from 1785 to 1787. Caleb Strong took a minor part in the debates of the convention, but favored the small States on the vexing question of representation.

1787

King, Gorham, Strong

No State could show so many distinguished representatives as Pennsylvania. At their head was the venerable president of the State, Benjamin Franklin, the most widely known and versasatile American of his day; the friend of the celebrities of Europe; the object with Voltaire of the popular homage of France, where he was looked upon as the soul of a classic philosopher speaking through the body of an American freeman. The name of Franklin had been well known in America before some of the members of the convention were born. He was an office-holder under the Crown, an agent of the colonies in England while many of them were boys in school. With the burden of seventy years upon his shoulders, he had undertaken the mission to France, and had spread throughout Europe the story of the abundance of simple rewards in American life. He had been upon the stage at the beginning of the first act of the drama; he was destined to speak the epilogue (see pages 3096-7).

Franklin

Robert Morris was a native of Lancashire, England, who had come to America as a boy, and

Robert Morris

1787

Robert Morris

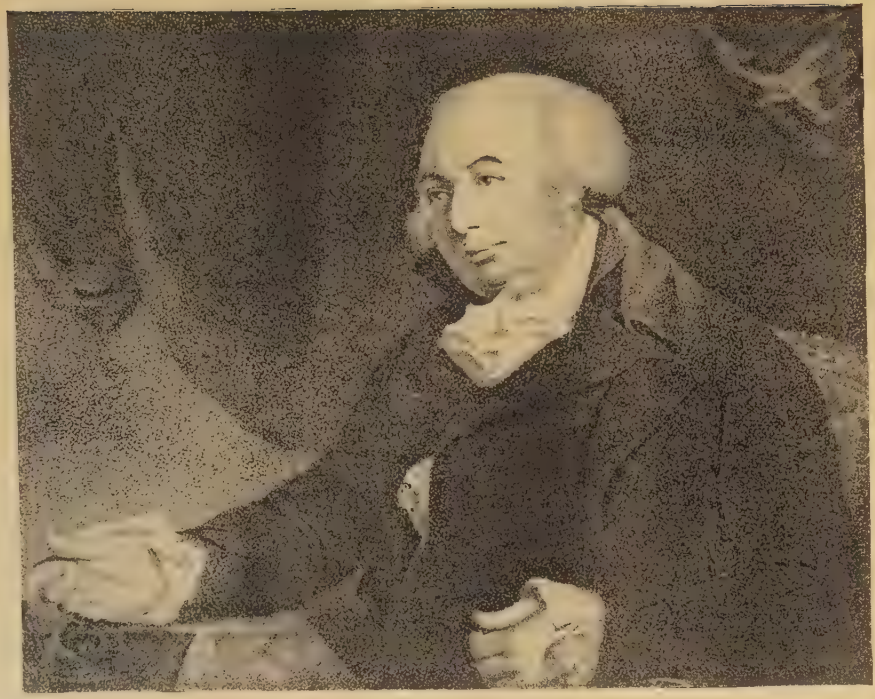
by his business ability and industry had risen to the foremost position among the merchants of the country. During the Revolution, those qualities which had insured his success were enlisted in the service of his country; and as superintendent of finances, his personal influence and private credit had supported the army in the darkest hours. The Morris home in Philadelphia was a centre of social life; famous for the dinners of the host and the charming hospitality of the hostess.

James Wilson

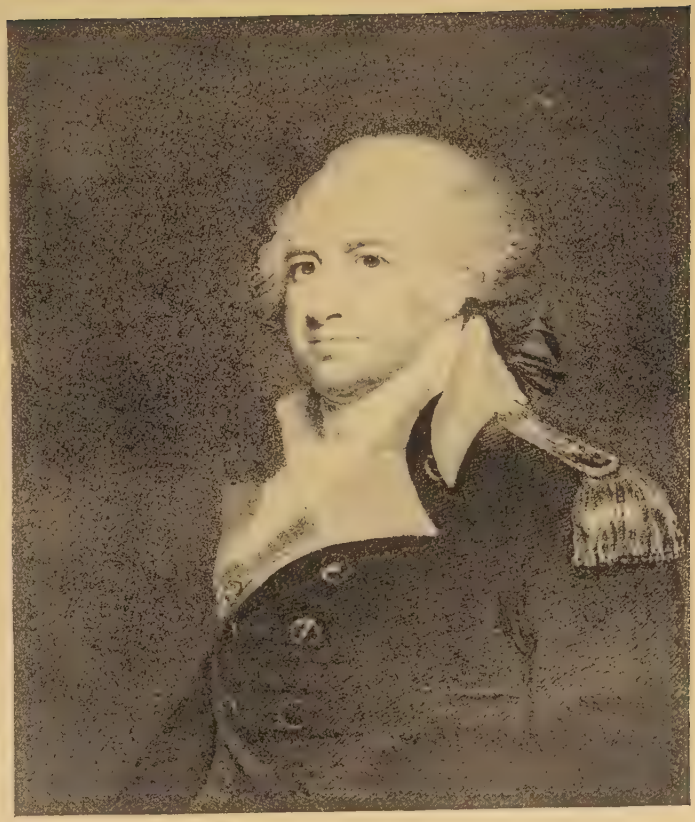
The most active members of the Pennsylvania group were James Wilson and Gouverneur Morris. Wilson had been educated at St. Andrews, Glasgow, and Edinburgh. He had signed the Declaration of Independence, and had been for six years a member of Congress. Perhaps the ablest constitutional lawyer on the floor of the Convention, his skill was shown effectively in the solution of difficult problems and the explanation of apparent contradictions. From first to last, he was in favor of a strong general government based directly upon the people, and opposed the successive delegation of powers which was advocated by many to place the government in the hands of the "wise and good."

Gouverneur Morris

Gouverneur Morris was one of the young men of the Convention. His work in that body and his subsequent services entitle him to a high rank among American statesmen. Morris was graduated from King's College in 1768, admitted to the bar in 1771 when he was twenty years of age, a member of Congress in 1778, and later assistant



GOUVERNEUR MORRIS.



THOMAS MIFFLIN.

to Robert Morris in the Department of Finance. Brilliant, gay, witty, and courageous, a society favorite, a powerful orator and able writer, Morris speedily impressed any group of which he formed a part. The final form of the Constitution was his work; and in the convention no man spoke oftener or expressed his opinions more decidedly. He was not a believer in popular government: he would have made the Senate an aristocratic body, and favored an executive council with an executive for life, but removable for cause. 1787 Gouverneur Morris

The other members from Pennsylvania were Thomas Mifflin of Revolutionary fame, a powerful political leader; Thomas Fitzsimmons, a wealthy merchant; and Jared Ingersoll, one of the best known members of the Philadelphia bar—son of the quondam Connecticut Stamp Commissioner. Mifflin, Fitzsimmons, Ingersoll

William Samuel Johnson, Roger Sherman, and Oliver Ellsworth represented the State of Connecticut. Johnson, son of the first President of King's College, was himself a graduate of Yale and a fellow of the Royal Society. He had been agent of the colony in London, a judge of the Supreme Court, and a delegate in Congress. To Roger Sherman belongs the unique distinction of having signed the American Association, the Declaration of Independence, the Articles of Confederation, and the Constitution. In his early life he had supported his mother and brothers and sisters by his trade as shoemaker; but the student spirit was strong within him, and when by a diligent study of mathematics he had become a William Samuel Johnson Roger Sherman

1787

successful surveyor, he used that position as a stepping-stone to the study of the law, and was for twenty-three years a judge of the highest court of the State. Oliver Ellsworth was Sherman's associate on the bench, and a no less distinguished man. He was the principal author of the first judiciary act, and in 1796 was appointed Chief Justice of the United States. With one of this group—both Sherman and Ellsworth have their partisans—the famous compromise originated which settled the question of representation, and prevented the disruption of the convention.

Oliver Ellsworth

New Hampshire sent two delegates, Nicholas Gilman and John Langdon. Langdon was the great Portsmouth merchant who financed the battle of Bennington; had been Speaker of the New Hampshire Assembly, judge of the Court of Common Pleas, a delegate in Congress, and governor of his State. His colleague Gilman was a lawyer of ability, the youngest man in the convention, having been born in 1762.

Langdon and Gilman

New Jersey had four representatives in the convention. William Livingston was the chief of the group, and had long been governor of his State; and David Brearly was its chief justice. William Paterson had been a member of Congress and of the Annapolis Convention; at Philadelphia he presented one of the plans for a new government; later he became a Senator, governor of his State, and a member of the Federal Supreme Court. Jonathan Dayton had enlisted at the outset of the Revolution, when but sixteen, and

Livingston, Brearly, Paterson, Dayton

served through the war; after the new government was adopted he was elected to the House, and was Speaker of the fourth and fifth Congresses. 1787

Of the Delaware delegates, George Read had signed the Declaration of Independence; had presided over the convention which framed the first constitution of his State; and had been appointed later a member of the Federal Court of Appeals in admiralty cases, and of the tribunal formed to decide the territorial dispute between New York and Massachusetts. Gunning Bedford and Richard Basset were well-known members of the bar, and Jacob Broom had been a delegate to the Annapolis Convention. The most prominent man of the group was John Dickinson, whose public services began with the Albany Congress of 1754. Dickinson soon recovered from the loss of reputation caused by his opposition to the Declaration of Independence, and in 1779 became a member of Congress from Delaware, in 1780 its president (governor), and in 1782 of Pennsylvania. Read, Bedford, Basset, Broom. John Dickinson.

Luther Martin of the Maryland delegation was its most noted lawyer,—sometimes thought over-astute in glossing a bad cause,—and had been a leading Revolutionary patriot. He refused to sign the Constitution, believing that it violated true Federal principles. Francis Mercer had been a noted cavalry officer during the war, and since then had been a member of Congress. Other delegates were Daniel Carroll and Daniel Jenifer of St. Thomas, both of whom had been members of the Continental Congress; and James McHenry, Luther Martin. Mercer, Carroll, Jenifer, McHenry.

1787

an Irishman and soldier of the Revolution, one of the foremost defenders of the Constitution in the ratifying convention.

Of the delegates sent by the three States furthest south, those of South Carolina were of most weight. Georgia was a new State and a small one, though her western lands gave promise of future greatness. She sent to Philadelphia Abraham Baldwin, of Connecticut birth, but for the past three years a resident of Georgia. Baldwin was a graduate of Yale and one of the founders of the University of Georgia, of which he was first president. With him was associated William Few, a self-educated lawyer who had represented Georgia for six years in the Continental Congress.

Baldwin, Few

Hugh Williamson was perhaps the ablest member from North Carolina. A physician by profession, he had been medical director of the North Carolina militia during the war, and afterward served in Congress from 1782 to 1785. Alexander Martin was known best as a local politician; William R. Davie and Richard Dobbs Spaight were prominent members of the legal profession. William Blount had been a member of Congress for two years, and was particularly active in the development of the Tennessee country. John Rutledge of South Carolina had been with Gadsden a member of the Stamp Act Congress, and since 1765 had been almost continuously in public service. General Pinckney was an Oxford man, had studied law in London, and for a time had attended the Royal Military Academy at Caen,

Williamson, Martin, Davie, Spaight, Blount

Rutledge, the Pinckneys

France. Charles Pinckney had just completed three years' service in Congress. Pierce Butler was a man of ability, a ready speaker and an able lawyer, the son of an Irish officer who had come to America shortly before the Revolution. 1787

New York was strongly committed to the extreme States-rights view of the Union. The same spirit which caused action adverse to the impost, and which led to the proposition to revise the Articles of Confederation through the initiative of Congress, was shown in the choice of delegates to the Philadelphia Convention. The city itself was Federal, but the up-country was opposed to any plan which would tend to diminish the individual importance of the State. But three delegates were elected; two of them, John Lansing and Robert Yates, were staunch Clinton men, and each might be depended upon to carry out the wishes of the governor, whose policy was briefly the greatest prosperity of the State and the Clinton relatives and dependents. Lansing was born in 1765, and had been for three years a member of Congress. Yates had taken part in the formation of the first State constitution; had been a member of the Committee of Safety, and while a judge of the Supreme Court, had been much admired for the independence and justice with which he had presided in the Tory trials. New York adverse

Lansing and Yates

Lansing and Yates left the Convention early in July, stating that they were "reduced to the disagreeable alternatives of exceeding their powers, and giving assent to measures which they

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conceived to be destructive to the political happiness of the citizens of the United States, or of opposing their opinions to those of a body of respectable men to whom their constituents had given proof of confidence." In a charge to a grand jury after the adoption of the Constitution, however, Judge Yates declared it to be "the supreme law of the land, to which the obedience of all good citizens is due; a charter second only to the Declaration of Independence in importance."

Judge Yates on the Constitution

There were of the men of the Revolution two classes, the destroyers and the builders. At the head of the destroyers stood Thomas Jefferson, because he believed that the political happiness of men had been retarded by the administrative machinery of government under the guise of protecting it. With him were Samuel Adams, Patrick Henry, Thomas Paine, and to a lesser extent John Adams and Benjamin Franklin. Washington was the balance-wheel of the conflict. More of a builder than a destroyer, he belonged in truth to neither class. By the destroyers he was made general-in-chief, by the builders he was made President; yet the destroyers disliked him, and the builders regarded him as their agent and organ rather than their leader.

The two elements

Washington

At the head of the builders stood Alexander Hamilton, the third New York delegate. Talleyrand, no ordinary judge, said he had known all the noted men of Europe and had never known his equal; and in England he was regarded as the ablest man America had produced. Hamilton was

Hamilton

1787

Alexander Hamilton

born on the Island of Nevis in 1757, of a Scotch father and a French Huguenot mother—an unusual combination of stocks, under conditions tending to produce precocity; and from both parents the boy took the best qualities. At thirteen Hamilton was managing a business, continuing his studies at night, and writing letters to his boy friends about his plans for the future. A letter describing the hurricane of 1772 showed such power that it was decided to send the boy to New York, where he might have proper advantages. There he found a home in the family of William Livingston, where he had the opportunity of hearing and meeting the leaders of the Whigs. At seventeen, Hamilton was the author of stirring political pamphlets; at nineteen captain of artillery; and at twenty a member of the staff of the commander-in-chief.

Precocious powers

After the war he had urged constantly the necessity of a stronger government; and at Annapolis had outlined a scheme so radical, that it was thought best to modify it materially before submitting it to the States. Hamilton's idea of a government was not a democracy, nor even a modified democracy; but rested upon the political proposition that government should be in the hands of those who can afford it financially, and have the talents and leisure to make politics a profession. Later in his political life he said, "This American world was not made for me," and repeatedly stated that he believed the British government to be the nearest to perfection of any

Political ideals

1787

English Constitution relatively

in the world. Up to the time of our Constitution at least, it unquestionably was: we are apt to forget that our own colonial government had been part of it, that 1787 was not 1887, and that it took time to see how the Constitution worked.

Hamilton's work for the Constitution

When pleading with the members of the convention to sign the Constitution, he said that it could not be more remote from any man's ideals than from his own; yet to no single man does the success of the Constitution owe more than to Alexander Hamilton. Hamilton argued for it in the *Federalist,* and almost single-handed fought a winning battle for it in the New York Convention. When the new government was inaugurated, it was his purpose to establish the new Constitution definitely and firmly, in a position of supremacy and domination with respect to the States. If it were not so in fact, it should be made so by interpretation. In this course the political weakness of Hamilton appears.

Delegates gathered for convention

Monday, May 14, was the day set for the opening of the convention; but not many of the delegates had appeared, and it was not until Friday, the 25th, that seven States were represented. As they gathered together there were many complaints, well founded no doubt, of the cost and discomforts of travel; but for the most part the visitors were well satisfied by their reception in the city. Some went to inns, others took lodgings, while others were entertained by their friends. For the more prominent of them there was a round of social activities, dinners, tea-drinkings,

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calls, receptions, and other forms of what George Mason called "etiquette and nonsense." The Virginia representatives met together two or three hours daily, "to form a proper correspondence of sentiments, and for form's sake to see what new deputies had arrived, and to grow into some sort of acquaintance with them."

Virginia delegates

When the business of the convention began, the hours of meeting were nominally from ten to four, with an intermission; but we have Washington's statement that the sessions were often six and sometimes seven hours long. Then there was undoubtedly much discussion among the members outside the convention hall, especially at critical times when ultimate failure was feared.

Long sessions

The Virginia delegation knew that they would be expected to bring forward some definite proposition, and for this Madison and Randolph had made careful preparation. The plan as finally submitted was the joint work of the delegates, it being understood that it was a working basis which should not control the opinions of any member. An author of great help, and who was frequently quoted in the convention, was Montesquieu; but the *Spirit of Laws* was too open in its praise of the English mode to meet with unqualified approval in our American assemblage. One principle was generally accepted by it: the practical separation of the executive, legislative, and judicial departments of the new government. In addition there was the previous experience in government-making possessed by the delegates,—

Virginia plan

General basis

1787

in itself of no little value,—and that accumulation of centuries of English political activity known variously as capacity for self-government or political common-sense.

To the present-day student of comparative politics, the Constitution is of interest as the first of a new type; a new political experiment, or perhaps better, a new combination of old factors, which will necessarily be considered in future experiments of a similar nature; but to the men of the Philadelphia Convention it was this and much more. There were certain dangerous tendencies which they had faith to believe would be overcome; there was a union whose possibilities they could not discern even with the eye of prophecy, and this was to be established; there were the blessings of peace and tranquillity, which they hoped would be the inheritance of their descendants to the remotest generations. The result of their deliberations was not merely a federation of States, but a federal state—a nation.

Task before it

There were some proposals to amend the Articles of Confederation, some signs of further temporizing; but a statement made by Washington a few days before the Convention opened, shows the general attitude of the delegates toward such opinions. "It is too probable," said he, "that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to

Radical work necessary

which the wise and honest can repair; the events are in the hands of God."

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The members of the convention assembled in the state-house May 25. Franklin, as president of Pennsylvania, had intended to present Washington's name for presiding officer of the convention; but in Franklin's absence that duty fell upon Robert Morris. William Jackson was chosen as secretary. After the appointment of a committee on rules, the convention adjourned to Monday, May 28. At this time an effort was made to prevent equal votes by the States; but it was wisely represented that while the right to such a vote could not be taken from the small States, yet they might give it up if it seemed necessary for the general welfare. The session of May 28 was taken up with the discussion, modification, and adoption of the report of the committee on rules. These were such as govern deliberative bodies generally, with modifications which allowed the freest expression of opinion, and a provision enforcing upon the members the most complete secrecy.

Convention assembles

Principle of voting

Rules of business

Actual work began on May 29, when Edmund Randolph, for the Virginia delegation, presented fifteen resolutions as the basis of a national constitution. These were discussed in committee of the whole until June 19, when nineteen resolutions were adopted as the report of this committee. This closes the first stage in the making of the Constitution. The nineteen resolutions, after discussion and amendment, became the twenty-three articles which the convention referred to

Virginia resolutions and others

1787

a committee of detail July 26. The committee of detail made its report on August 6; and from that time until September 8 the convention was occupied in a final discussion of the new plan. A committee on style or revision received it on September 8; and reported on September 15 the Constitution as we know it to-day, except for a few minor changes.

Stages of the Constitution

In the remarks preliminary to the introduction of the Virginia plan, Randolph spoke at length of the conditions then prevailing in the States, and of the qualities which a successful general government ought to possess. The chief of these were the ability to prevent foreign invasions and domestic insurrection; to secure all the advantages which result from union; to prevent the States from unduly increasing their own powers; and to regulate trade for the general welfare of the confederacy. None of these things the government as then constituted could do, by reason of its own laxity and weakness. The resolutions were intended as the basis for a constitution which should remedy these defects, the first resolution being a statement of the necessity for the modification and enlargement of the Articles of Confederation.

Indispensables of a government

The plan provided for three departments of the government: a legislature, an executive, and a judiciary. Omitting the first resolution, which expressed a general opinion, the next five refer to the legislature. This is to be composed of two houses; and in both, the votes of the States are to be in proportion to quotas of contribution or

Departments

to free inhabitants. The members of the lower house are to be elected by the people; time of continuous service is limited, and the delegates are subject to recall. Members of the upper house are to be elected by the lower house from a number of persons nominated by the State legislatures. The national legislature is given the rights enjoyed by the Congress of the Confederacy, with additional power to legislate in cases where the States are incompetent, or where State legislation may interrupt the harmony of the United States. Power was given, moreover, to nullify the laws of any State which were repugnant to the Union, and to call out the forces of the Union against any disobedient State.

1787

Constitution, Virginia plan:

Legislative

By the seventh resolution, provision was made for a national executive, which should be united with a convenient number of the judiciary to form a council of revision, to pass upon all laws of the national legislature before their final enactment, and upon negatived State laws before such veto should be final. A national judiciary was established by the ninth resolution, and its jurisdiction defined. The five remaining resolutions provided for the admission of new States; guaranteed to each State a republican form of government and its own territory; continued Congress for a proper time after the adoption of the new plan; provided for amendments, oaths of fealty to the general government by State officers, and the method by which the new Constitution should be submitted to the people for their approval.

Executive

Judiciary

Other items

1787

Upon this slender framework the fabric of the Constitution was built; and the manner of the building appears as we follow a provision like that of representation day by day, through resolution, amendment, substitution, and reference to committees, until it emerges in almost unrecognizable form in the National Constitution. When Randolph had submitted his resolutions, Charles Pinckney of South Carolina presented a plan, which, with that of Paterson some time later, was referred to the committee of the whole, and furnished articles which appear in the final form.

Stages of Constitution

The subject was now fairly before the convention for consideration, which began May 30 in committee of the whole on the state of the Union, with the discussion of the resolutions submitted by Edmund Randolph. These are known sometimes as the Virginia plan, or the large-State plan, since they proposed to base representation upon quotas of supplies or the number of free inhabitants. The small States protested at once and vigorously. Paterson of New Jersey said: "We have no power to go beyond the federal scheme. A confederacy supposes sovereignty in the members composing it, and sovereignty supposes equality. There is no more reason why a great State contributing much should have more votes than a small one contributing little, than [why] a rich individual citizen should have more votes than an indigent one."

Large-State plan

Fought by small States

A plan was proposed by Paterson, known also as the New Jersey plan, in accordance with this

idea. Practically it was little more than an enlargement of the Articles of Confederation. It provided for a Congress of a single house in which each State had one vote; authorized Congress to raise a revenue by duties on imposts, and supplemented the grant by power to collect; established revenues from stamp duties and the postal service; but left infractions of those laws to be punished by the judiciary of the States. In one respect the plan was better than the old government: it established a federal executive, plural in number, and a federal judiciary with limited jurisdiction. Other resolutions provided for the admission of new States, for the settlement of territorial disputes, for uniform naturalization laws, and for the extradition of criminals. The position of the States in the federal scheme was unduly magnified, and the general government was not given control over individuals. The importance of the Paterson plan is due mainly to the fact that it was based on equal representation, and was the contribution of the small States.

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New Jersey plan

Typical small-State plan

Just as the work of the committee was drawing to a close, Hamilton, who had taken but little part in the debates, made a powerful speech in arraignment of the New Jersey plan, and proposed one of his own; not as a model or guide for the convention, but as an expression of his views, and a suggestion of the amendments he might propose to the Virginia plan. Hamilton objected to the New Jersey propositions, first because no plan that left to the States their sovereignty

Hamilton's

1787

unimpaired could meet the needs of the country; on the other hand, the Virginia plan did not go far enough in the direction of a strong government.

"The States sent us here," said Hamilton, "to provide for the exigencies of the Union. To rely on and propose any plan not adequate to these exigencies, merely because it is within our powers, is to sacrifice the means to the end." To secure the proper support of government there must be an active and constant interest; this the States did not have. The habitual attachment of the people was necessary, and it was well known that the people favored State rather than federal government. Force could not be exercised upon the States; and offices, honors, and emoluments, the rewards which attach men to a government, were in their hands. But for public opinion he saw no reason why State governments should not be abolished. The British government he believed to be the best in the world, and doubted whether anything short of it would do for America. "Give all the power to the many and they will oppress the few; give all the power to the few and they will enslave the many. Both therefore ought to have power; and to the proper adjustment of it the British owe the excellence of their constitution."

Hamilton objects to State sovereignty

And to unchecked power anywhere

Hamilton then read his plan, which proposed two branches of the legislature: the lower made up of representatives chosen for three years by the people; and a senate composed of members holding office during good behavior, and chosen by

His scheme

1787

Hamilton's plan of a Constitution

electors chosen by the people. The governor or executive, chosen by electors, was to hold office during good behavior, and to have the appointment of heads of executive departments, and of all other officers subject to approval by the senate. To the upper house was given the sole power of declaring war, and the right of approving and advising in treaties and appointments. All officers were liable to impeachment and trial by a tribunal made up of one superior-court judge from each State. There were provisions for a national judiciary, to hold office for life, and to have jurisdiction in admiralty cases or in those involving the national revenues or citizens of foreign countries. The governors of the States were to be appointed by the general government, and were to have an absolute veto upon State laws. Such was Hamilton's plan, wise in some respects, in others utterly opposed to American principles; but, as he admitted, it was impossible to adopt it, or even to consider it seriously.

Academic

Representation and slavery

There were contests in the convention over representation, control of commerce and the slave trade, the executive, and the judiciary; but of these the most determined struggle was concerning the method of representation. There were two aspects of this question; the first was the basis and method of representation, and the second was the status of the slave. Delegates from the small States insisted that the Virginia plan would destroy their liberties. Virginia, Massachusetts, and Pennsylvania, alone would have forty-two ninetieths of the

1787

Evils of large-State plan

votes, and could do as they pleased unless there was a miraculous union of the other ten States; and if they could win over one other State, the four would be complete masters of the remaining nine.

In reply it was said that the large States would not combine without some common interest, and in this respect they could not have been more effectively separated by the most jealous citizen of the most jealous State. In staple products they were as dissimilar as any States in the Union. If the large States were so formidable, the small States ought to desire a strong central government to keep them in check. The situation of the States was similar to that of men in society. The rich man gave up more than his poor neighbor, but if they had equal votes they were equally safe.

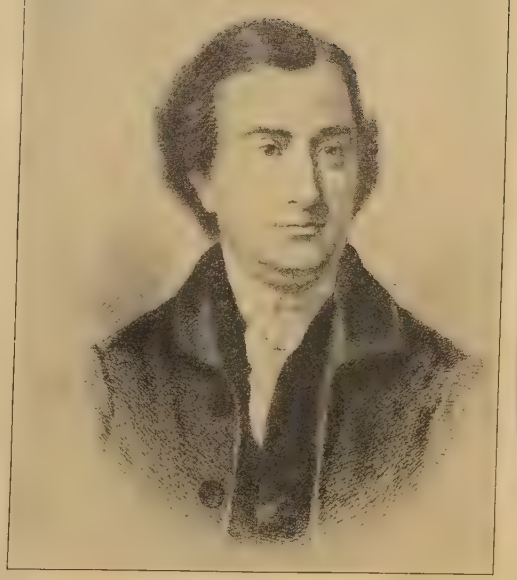
Pronounced imaginary

Neither side would yield: instinctive self-defense was stronger than argument. The small States refused to consider any plan of proportional representation, the larger States were equally determined not to relinquish the idea.

Small States hold out

On June 29, Dr. Johnson of Connecticut said: "In some respects the States are to be considered in their political capacity, and in others as districts of individual citizens. The two ideas ought to be combined. In one branch the people ought to be represented, in the other the States." This was the true solution of the question, and is known as the Connecticut compromise. Posterity has attributed it to Sherman and to Ellsworth, and it is possible that the honor belongs equally to the

Connecticut plan proposed



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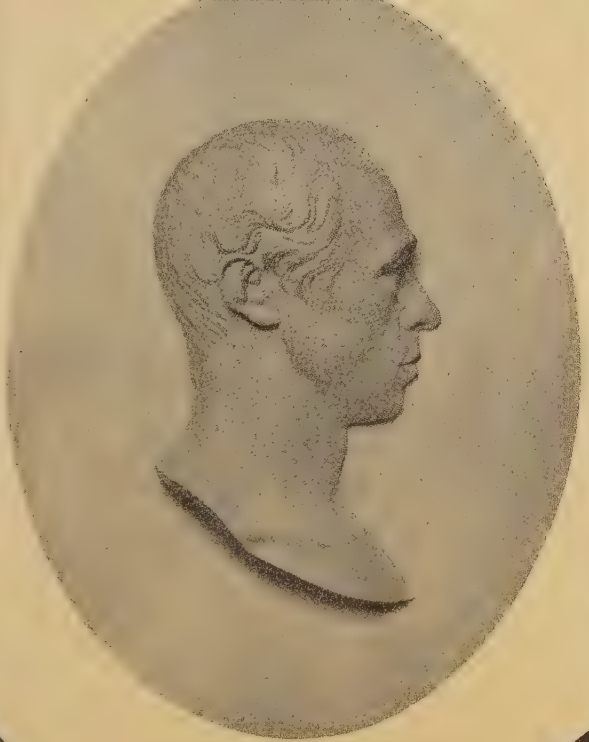

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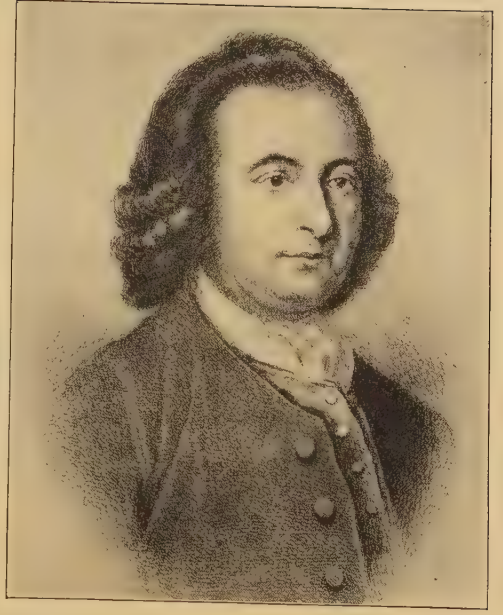
VIRGINIA PLAN.



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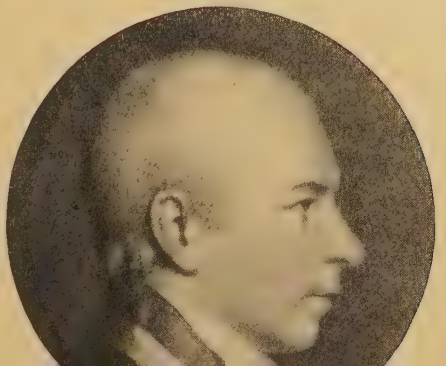

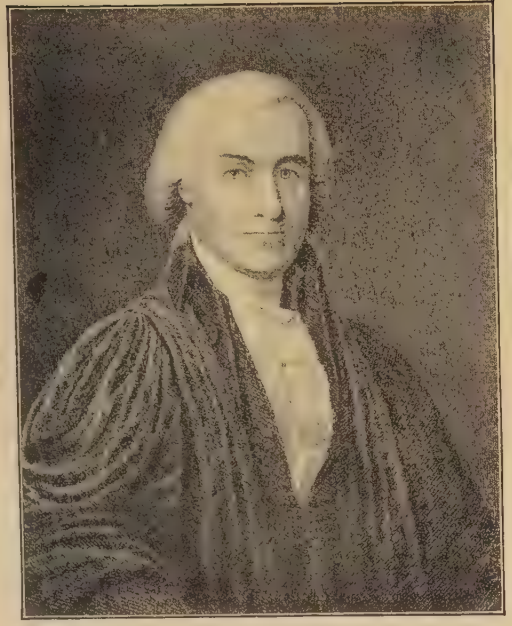

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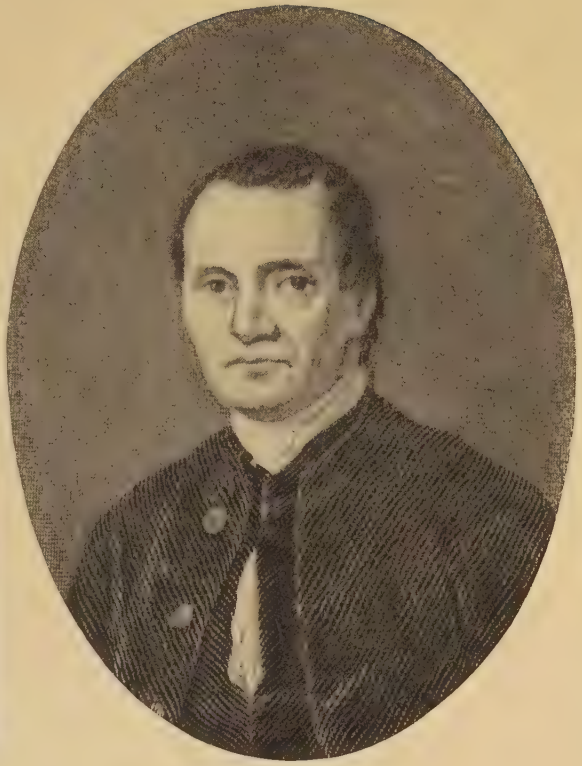
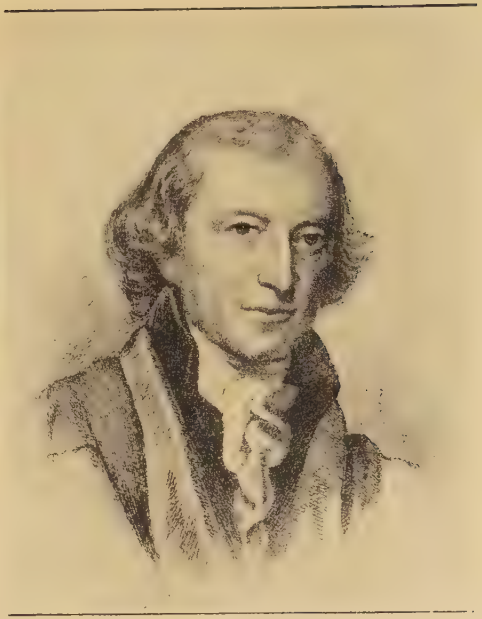


ROGER SHERMAN.
CONNECTICUT PLAN.



WILLIAM SAMUEL JHONSTON.
(From Emmet Collection, New York Public Library.)

AUTHORS OR LEADING CHAMPIONS OF THE CHIEF PLANS OF THE NATIONAL CONSTITUTION.

three Connecticut delegates. They were strongly Federal in their views, and wanted some form of effective government. As delegates from a small State they were opposed to the large-State plan; but they were all reasonable men, men of experience and resources, which they would apply to the solution of the problem. 1787 Connecticut compromise

For a time it was impossible to bring the parties together. Gorham bade the small States consider whether, after all, the large States were not yielding more of their power; and whether the small States would not be the chief sufferers in case of the dissolution of the Union, which all feared. Ellsworth did not despair of a satisfactory result; and Read's chief objection was that there was still too much of a federal mixture. Madison used all his powers of persuasion to win the small States to his views; and Hamilton urged that the rights of the people be respected rather than the rights of the States, which at best were artificial beings, the creation of the people. Nothing could be more preposterous or absurd than to sacrifice the former to the latter. "The truth is," he said, "it is a contest for power rather than for liberty. The State of Delaware, having forty thousand souls, will lose power if she has only one-tenth the vote of Pennsylvania; but will the people of Delaware be less free if each citizen has an equal vote with each citizen of Pennsylvania? The present is the time for establishing a government effective at home and respectable abroad. Every risk will be run by trusting to future amendments. It is a miracle

Arguments for it

Hamilton on people vs. States

On freedom vs. power

1787

that we are now here, tranquil and free, deliberating on the subject. It is madness to trust to future miracles."

Arguments for compromise

Gerry believed that the States were intoxicated by the idea of their own sovereignty. The question of equal votes had been opposed strongly when the Articles of Confederation were signed. The Confederation was dissolving, the fate of the Union would be decided by the convention; yet instead of coming like a band of brothers, the delegates had brought to the meeting the spirit of political negotiators. Ellsworth supported equal votes in the Senate. "We are," he said, "partly national and partly federal." Proportioned representation in the lower branch would secure the large States against the small ones. Equal votes in the Senate would protect the small States. He could see no other ground for compromise, and if there was no compromise the meeting would be worse than in vain. Wilson could not agree: by every principle, the rule of representation should be the same in both branches. They were framing a government not for imaginary beings called States, but for men. A government on any other foundation than population could not be solid or lasting. Looking forward to the time when even the smallest State should contain 100,000 people, he was willing to allow one Senator for that number, with at least one to every State.

Against it

While both sides held out, Franklin sagely observed that when a carpenter wanted to make a good joint, he took a little from both pieces; so

1787

both sides must give up something. Franklin submitted a compromise of his own, but it met with no better reception than its predecessors. King could never consent to an equality of votes; and Dayton believed the proportional plan to be a novelty, an amphibious monster, which would never be accepted by the people. Martin said that the State of Maryland would never confederate except upon just principles. Bedford believed that there was no middle course between complete consolidation and confederation; and referring to the many statements that the convention was the last hope of the Union, expressed the opinion that the large States dared not provoke dissolution, since foreign powers would be glad to assist the weaker members of the Confederacy.

Struggle over compromises

On the 2d of July the question was referred to a committee of one member from each State, and by them discussed until July 5, when a report was presented which formed the basis of the final agreement. In the first branch of the national legislature there was to be one representative for every 40,000 inhabitants; all bills for raising money or fixing salaries were to originate in the lower house, and were not to be altered by the senate, and no money was to be paid out except upon appropriation of the house. In return for these privileges granted to the advocates of the large-State plan, it was provided that in the senate each State should have one vote. There were other and grave questions which arose, and were settled in the same spirit of compromise; but no one of

Drawing to an agreement

1787

Representation

them affected the prospects of the convention more than that of representation. The solution recognized the people as citizens of the United States, and the States as commonwealths of a confederacy; and after the plan was agreed upon, the smaller States united to support every proposition which seemed likely to add strength to the general government.

Three-fifths plan for slaves

The question of slavery formed an important part of the discussion of proportional representation. Moreover, the institution of slavery was responsible for radical differences between the North and South; which Madison recognized in the convention when he said that the real dispute was not between the large and small States, but between the slaveholding and free States. The convention proposed to follow a plan which had been suggested in the Continental Congress, by which three-fifths of the slaves were to be counted in determining taxes and representation. Wilson of Pennsylvania could see no way of explaining this ratio. If the blacks were citizens they should be admitted as such, if they were property they should not be counted in making up the representation.

Gouverneur Morris found himself reduced to the necessity of doing an injustice to the Southern States or to human nature, and of the two he preferred the former. While he did not expect that the Southern States would agree to any plan which would deprive them of the privilege of the slave trade, yet he could not encourage it by agreeing to

the representation of the slaves. Slavery was a nefarious institution, a curse of heaven wherever it was found. A journey through the States would show great changes as the traveler passed from free to slave territory. If the slaves were men, make them citizens and let them vote; if they were property, why enumerate them when no other form was counted? "As a matter of fact," said Morris, "the citizens of the slaveholding States have a greater representation, in order that the States which hold no slaves may be compelled to support the slave system."

1787

Slave representation

Luther Martin of Maryland proposed to prohibit the slave trade or tax it, on the ground that the enumeration of the blacks encouraged the system, and forced the free States to support those which were weakened by it. Importation was unreasonable, inconsistent with the Declaration of Independence, and a dishonor to American character.

And the slave trade

To these statements, General Pinckney replied that South Carolina could never be brought to accept the new Constitution if it prohibited the slave trade; but if left free to act in the matter, that State might prohibit the importation of slaves as Maryland and Virginia had done.

Sherman disapproved of the slave trade; yet, since the States possessed the right and the public welfare did not demand that it be taken from them, he was disposed to yield the point, for it was important to have as few objections as possible to the proposed plan of government.

1787

Slave trade and slavery

Mason said that the infernal traffic originated in the avarice of the British merchants. The question concerned not only the importing States, but the whole Union. Maryland and Virginia had already prohibited the trade, North Carolina had practically done so; but all of this would be undone if Georgia and South Carolina were allowed to import freely. Moreover, the western people were already calling for slaves. The system discouraged arts and manufactures; the poor despised labor when performed by slaves, and the system prevented the coming of white laborers who enriched and strengthened the country. Slavery had a pernicious effect on the masters, producing a class of petty tyrants. As nations could not be rewarded and punished in another world, Providence by an inevitable chain of causes and effects punished national sins by national calamities. He held it to be essential from every point of view that the general government should have the power to prevent the increase of slavery.

Ellsworth would not meddle with the affairs of the States. From a moral standpoint, slavery was indefensible and the slaves should be freed; but he believed that white labor would eventually become plentiful enough to make the use of slaves unprofitable and destroy the system.

Finally, the Southern delegates agreed that their united efforts would not be sufficient to secure the adoption of the Constitution without this provision. To reject it would be to reject the South from the Union.

1787

Control of commerce

The two sections of the country differed also in the extent to which they would allow Congress to control commerce. New England, which depended upon trade for its prosperity, would have a simple majority sufficient to pass trade laws. The South feared that this right would be exercised in a manner which would favor one section at the expense of the other, and proposed that a two-thirds vote be required. As to taxing exports, the Southern delegates would prevent it by constitutional prohibition. Their exports were large, and their imports chiefly those articles which could not be obtained from the North. If taxes were laid upon exports, and Congress favored home manufactures by heavy import duties, the South would be taxed unjustly and excessively. As a final compromise, it was agreed that three-fifths of the slaves should be counted in determining direct taxes and the representation of a State; that trade laws should be passed by a simple majority; that exports should not be taxed; and that Congress might not prohibit the slave trade for a period of twenty years, but might place a tax not to exceed ten dollars upon each slave imported.

Compromise on that and slavery

The executive

Upon the questions just explained, the members of the convention had definite ideas; but such was not the case with reference to some of the departments of government, particularly the executive. A plural executive was in favor with some of the delegates, others would have a triple head; and after a single person had been agreed to, the questions of duties, length of the time of office, and

1787

Question of executive

method of election, were the subjects of many hours' debate. The chief magistrate must be removed as far as possible from danger of intimidation or corruption by the legislature; he must be free to exercise unchecked his powers as the chief executive officer of the nation; but some means must be found of rendering him accountable to the people for the proper performance of his duties. Many of the best men of the convention favored life tenure of the presidential office, subject to removal for sufficient cause; others proposed seven, ten, or fifteen years, but would limit the time to one term only.

These conditions were dependent to some extent upon the chief point to be determined, the method of election. The Virginia plan had proposed that the executive be chosen by the legislature; other methods suggested were by the people at large, by the executives of the States, by the State legislatures, by electors chosen by the people or by lot, by the national legislature from the nominations of the States. Madison, Wilson, Gouverneur Morris, and Gerry were persistent advocates of an election by the people; Mason and John Rutledge were equally insistent upon a choice by the legislature, while Sherman and Charles Pinckney favored it less strongly. The electoral college was finally adopted because it seemed to combine the advantages of all the methods suggested. The legislatures of the States might be intrusted safely with the choice of electors, or if they chose, might refer the election

Method of election

directly to the people. The electors formed a special body equal in number to the national legislature; and their choice of the president would in a manner compare with a choice by a joint ballot of the Houses of Congress, while the fact that they were chosen for this occasion only would remove the probability of collusion between them and the executive or the legislature. 1787 Electoral college proposed

It was intended also that the choice should be determined finally by the electoral college, except in the case of a tie, and that the legislature should do no more than count the votes; but this principle has been so modified that Congress has assumed the right to decide disputed elections in some cases, as in that of 1876. The method of election once determined, it became an easy matter to fix the term of office. A short term with an opportunity of re-election found favor with a majority of the convention. Mode of counting

The plan of three co-ordinate departments of the government, and the necessity for some tribunal which should have jurisdiction in purely Federal matters, as well as the previous experiences of the Confederacy, combined to suggest the Federal judiciary. There was a general feeling in the convention that there should be some effective check against hasty and ill-considered law-making, and it was proposed to vest in the Supreme Court power to revise the laws. This seemed to connect too closely the legislature and judiciary, and was given up; but upon a few general principles there was substantial agreement. Judiciary

1787

The judges of the court should hold their offices for life; their jurisdiction should extend to cases under treaties and those involving ambassadors and consuls, and on appeal, to admiralty and maritime causes. The Supreme Court has limited jurisdiction in many other cases; but its well-recognized principles are that the court must first consider the question of its jurisdiction, and that a decision operates necessarily only in the particular case upon which it is rendered.

Supreme Court

Some fears of the growing power of the West were expressed in the convention, and Gouverneur Morris openly confessed a desire to vest the old States with power to retain political control; but this plan was opposed fortunately and successfully by Wilson, Randolph, and Mason, who insisted that new States must be admitted on a footing of absolute equality with the original members of the Confederacy. Attempts to fix qualifications for the franchise were failures because of the varying laws of the States, and a desire not to exclude any one from the Union who might take a part in the government of his State.

Old vs. new States

Franchise

There was a general agreement upon the powers of the lower house of Congress; but the executive functions of the senate, and the relation of that body to the executive department of the government, were a source of some anxiety. It was generally believed that each department might be trusted to resist encroachments upon its functions if the proper means of resistance were provided; and this the convention attempted to do. The

Senate vs. House

provision for the return of fugitive slaves caused little remark, since the convention had already recognized the institution; but in deference to the feelings of some of the members, the word "slaves" was not used. The control of the militia was a subject upon which there were decided differences of opinion, but reference to a committee led to a report substantially the same as the present constitutional provision regulating the authority of the general government over State troops.

1787

Fugitive slaves and militia

On Saturday, the 15th of September, some slight changes were made in the method of securing amendments, in the form of admission of new States and in the powers reserved to the States. Governor Randolph expressed his fears that indefinite and dangerous powers had been granted to Congress, and proposed that amendments should be offered by the State conventions, and that the Constitution as amended be passed upon finally by another federal convention.

Question of amendments

This proposition was supported by Mason, who believed that a second convention would have a better knowledge of the opinions of the people and could provide a constitution in accordance with them. He saw great dangers in the plan proposed, and thought that it was improper to say to the people, "Take this or nothing." Both Mason and Randolph agreed to sign the Constitution if the plan of a second convention was adopted, but upon a vote it was opposed by all the States. Gerry believed that the rights of the people were insecure because the legislature could

And of another convention

1787

pass any laws which it thought necessary and proper, because armed forces and money could be raised without limit, and because of the power to establish a tribunal without a jury, which would be in civil cases a court of Star Chamber. Under these circumstances he believed a second convention would be necessary.

Second convention favored

Monday, September 17, the convention met for the last time. Franklin rose and attempted to read a paper which he had written, but his weakness was so great that he handed the paper to Wilson, by whom it was read. "I confess," said Franklin, "that there are several parts of this Constitution which I do not at present approve; but I am not sure that I shall never approve them, for having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects which I once thought right, but found to be otherwise. The older I grow, the more apt I am to doubt my own judgment and to pay more respect to the judgment of others. In these sentiments I agree to this Constitution with all its faults, if they are such; because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people if well administered. I doubt, too, whether any other convention we may obtain may be able to make a better constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with them all their prejudices, their

Franklin's final appeal

passions, their errors of opinion, their local interests, and their selfish views. From such an assembly, can a perfect production be expected? It therefore astonishes me to find this system approaching so near to perfection as it does, and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded like those of the builders of Babel. Thus I consent to this Constitution, because I expect no better and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. Within these walls they were born, and here shall they die. On the whole, I cannot help expressing a wish that every member of the convention who may still have objections to it, would with me on this occasion doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument."

1787

Franklin's final appeal

That all will sign Constitution

Franklin then proposed a form of signature which Gouverneur Morris had prepared, so ambiguous in its tone that it was hoped all the members would feel free to affix their signatures; but the ruse failed to entrap Gerry, Randolph, or Mason.

Cannot induce them

At the last moment, Gorham proposed to change the ratio of representation to one member of Congress for every 30,000 inhabitants. The proposition was supported by King and Carroll, and called forth the only speech made by Washington in the convention. As he rose to put the question, he apologized for intruding his opinions,

Lower ratio of representation proposed

1787

but expressed a wish that the change might take place, because it was much to be desired that the new plan be open to the fewest possible objections. The small number of representatives had appeared to him an exceptionable part of the plan, and he thought the amendment of so much consequence that it would be a personal satisfaction to him to see it adopted. The convention adopted the amendment without dissent, and agreed to the engrossed Constitution. The journals and papers were to be placed in the hands of the president until Congress should make further disposition of them.

Washington for more Congressmen

The members then signed the Constitution. While they were doing so, Franklin, pointing to the president's chair, on the back of which a sun was painted, observed that painters always had difficulty in depicting the difference between a rising and setting sun; and added, "I have often and often, in the course of the session and the vicissitudes of my hopes and fears as to its issue, looked at that sun behind the president, without being able to tell whether it was rising or setting; but now at length I have the happiness to know that it is a rising and not a setting sun." That day all the members dined together; and with hopes or forebodings, with a sense of the heavy responsibilities resting upon them, and a growing conviction of the magnitude of the task which they had accomplished, departed to their homes to await the publication of the new Constitution. A letter to Congress, accompanying the new plan, stated

Constitution signed, September 17

Franklin's simile

briefly the problem before the convention, the general principles which had guided its deliberations, and expressed the hope that the result might be found sufficient for the needs of the country. 1787

During the sitting of the convention there were many speculations concerning the outcome. Public interest was stimulated by the fact that the proceedings were secret, as well as by the great importance of the meeting. There were rumors that the new plan preserved the form but destroyed the spirit of democracy, and even that a popular constitution had been openly rejected. A monarchy with all its forms and attendant titles had been planned, it was said, and the throne of America had been offered to the second son of George the Third, the young Bishop of Osnaburg.

Rumors as to work of convention

Monarchy feared

In reply to anxious inquiries upon this point, it was stated upon authority that whatever the convention might be doing, they were not thinking of a king. The prolonged session, and the consequent rumors that the convention had failed to agree upon a plan, was the cause of no small uneasiness, which added to the sum total of discontent. "The year 1787," said a Connecticut correspondent in the *Independent Chronicle,* "may justly be called the year of discontents. Every man is a politician, and every one is so sore either in reality or imagination, that a bystander cannot laugh without hurting the feelings of some honest citizen. The year 1776 is celebrated for a revolution in favor of liberty, the year 1787 will be equally celebrated for a revolution in favor of

Also failure to agree

1787

government." Somewhat later John Adams said: "The Federal Convention was the work of the commercial people in the seaport towns, of the planters, of the slaveholding States, of the officers of the Revolutionary army, and of the property-holders everywhere." It was his opinion, also, that the union of these powerful elements would not have been sufficient to secure adoption but for the insurrection in Massachusetts, and the attempt to shut up the courts, which had immediately aroused the lukewarm citizens.

Constitution: why adopted

The publication of the new Constitution at once divided people into two great parties, the first general division since the beginning of the Revolution. There were parties in the States caused by local questions, there were divisions in the States upon national questions, but there was nothing like general party organization. Now, men everywhere became supporters or opponents of the new Constitution, Federalists or Anti-Federalists. The opposition party was weakened greatly by the fact that they had no well-formed consistent policy. Many of them hesitated to advise rejection of the Constitution, since they had nothing to propose in its place; and few of them were willing to defend the Confederacy. The Anti-Federalists may be divided into two classes: those who opposed the Constitution because they believed it would destroy the sovereignty of the States; and those who believed that it did not guarantee sufficiently the liberty of the individual, and that it would eventually become possible for

Immediate party division

Anti-Federalists, two sorts

1787

Objectors to Constitution

the government to be controlled by a class, a monarch and his court or an aristocratic oligarchy based upon wealth. A part of the opposition came from men who were not affected at all by political reasons, but by personal and generally pecuniary motives. If the Constitution was adopted, stay-laws and paper money would be stopped, British debts would be collectible in accordance with the treaty provisions, and the national government through its officials would exercise a powerful influence in every State.

Washington's letter and the new Constitution were laid before Congress on September 20. There was immediate opposition from the self-constituted guardians of the rights of the States, led by Richard Henry Lee, Melancthon Smith, and Nathan Dane. To accept the new Constitution was to sign the death-warrant of the Confederacy, and for this reason if no other Congress could not positively recommend the plan; but Congress could not ignore the work of the convention, which it had recognized. The chief objection urged by Richard Henry Lee and Melancthon Smith was that there was no bill of rights, no contract between the government and the people. Much was said of those who govern, nothing of those who are governed. Amendments were demanded; but there was no way by which these might be proposed by Congress, and moreover, it was doubtful whether Congress had any power or right to assist in forming a confederacy of nine States. The most that could be done was to transmit the

Reasons

Congress' dubious power to act

1787

Constitution: transmitting draft to States

Constitution to the executives of the States, to be placed before their respective legislatures. New Jersey and Delaware favored submission to State conventions as recommended in the report; and all the States supported it except New York, which refused to agree to anything like a recommendation. Finally, on September 28 a sufficiently colorless form was chosen, by which the Constitution and letter were sent to the legislatures, "to be submitted to a convention of delegates chosen in each State by the people thereof in conformity to the resolves of the convention."

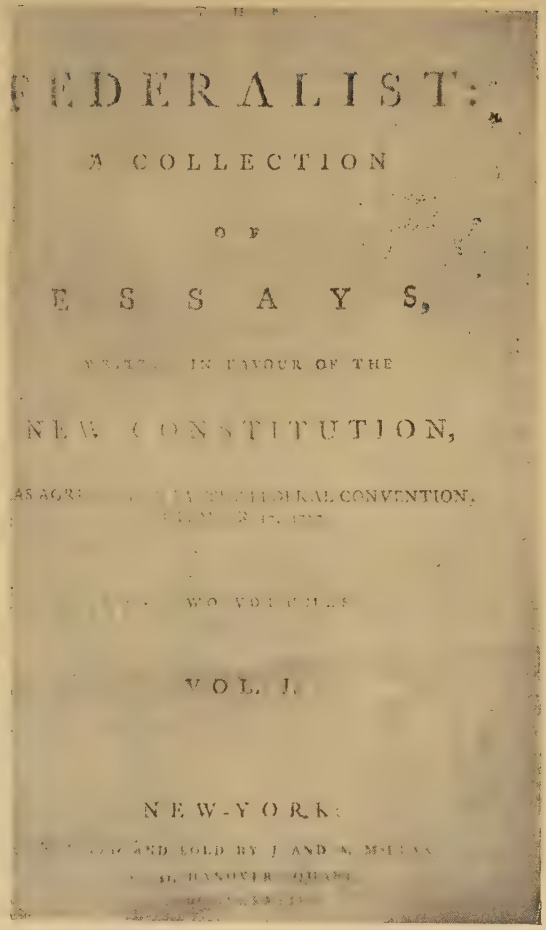
Their action

The Constitution was well received in many places; and the legislatures acted with a promptness that did much to encourage this favorable sentiment. The Federalists were everywhere indefatigable in their efforts to secure the choice of favorable or impartial delegates to the conventions. Most influential of all helps was the *Federalist,* a series of seventy-seven papers in the New York *Independent Journal,* signed "Publius," written by Hamilton, Madison and Jay, and running from October till April; reprinted as pamphlets, then with eight new papers in book form; immortal treasures of political philosophy. The ratifications being successive was of great help to the friends of the Constitution, whose courage increased with each new acceptance.

The "Federalist"

Delaware first

Delaware was the first State to accept the Constitution. When the delegates met the first week in December, as appointed by the assembly October 24, all were of one opinion; and on the 6th, all



THE

FEDERALIST:

A COLLECTION

OF

ESSAYS,

IN FAVOUR OF THE

NEW CONSTITUTION,

AS AGREED UPON BY THE FEDERAL CONVENTION,

IN TWO VOLUMES.

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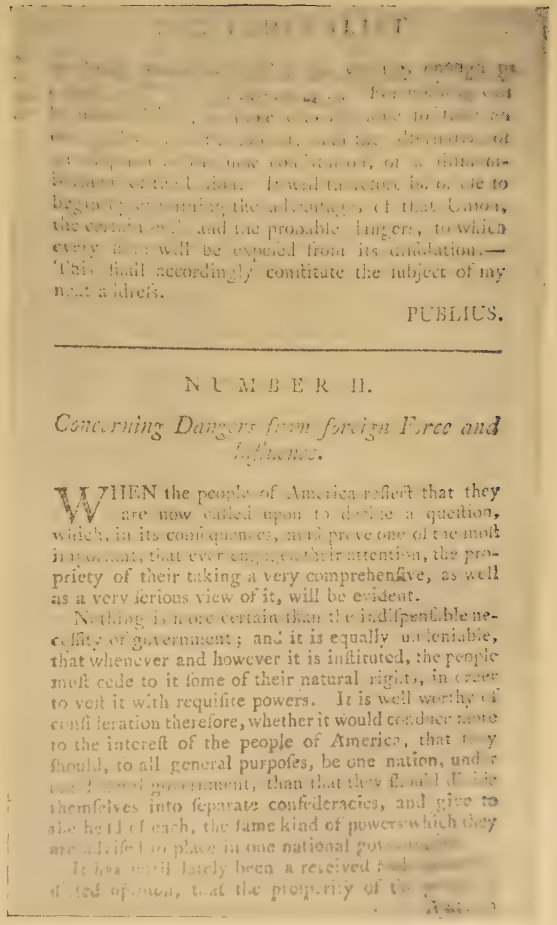

THE FEDERALIST

... concerning the advantages of that Union, the certainty of ... and the probable danger, to which every ... will be exposed from its dissolution.—This shall accordingly constitute the subject of my next address.

PUBLIUS.

NUMBER II.

Concerning Dangers from foreign Force and Influence.

WHEN the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important, that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious view of it, will be evident.

Nothing is more certain than the indispensable necessity of government; and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration therefore, whether it would conduce more to the interest of the people of America, that they should, to all general purposes, be one nation, under one federal government, than that they should divide themselves into separate confederacies, and give to the head of each, the same kind of powers which they are advised to place in one national government.

It has until lately been a received maxim, that the prosperity of the ... depended on ... that ...

FIRST EDITION OF THE "FEDERALIST" IN BOOK FORM.

present fully, freely, and entirely approved of, assented to, ratified and confirmed the federal Constitution." With them the only difficulty was in finding language strong enough to express the quality of their approval.

1787

Ratifying Constitution: Delaware

In Pennsylvania the report of the Convention had been placed before the Assembly, September 18, by Franklin and his colleagues. The Federalists waited until September 28 for Congress to approve the report. The Assembly was to adjourn the next day; and if anything was to be done toward a convention it must be done quickly, for the opponents of the Constitution were already congratulating each other upon the delay. About noon of the 28th, George Clymer startled the entire Assembly by proposing a State convention to consider the Constitution. This motion forced the hand of the opposition, and they exclaimed that it was unfair and contrary to the rules of the Assembly. No notice of the motion had been given, there was no opportunity for the three readings uniformly required, and it would be presumptuous in a State to act until the will of Congress was known. A postponement was secured until afternoon, when the entire opposition, nineteen in number, was absent. Without them the Assembly lacked two members of having a quorum, and the sergeant-at-arms reported that they refused to attend.

Pennsylvania

Opponents break quorum

In this crisis there was but one thing to be done. Men must be taught to recognize and accept the great blessing about to be conferred upon

How met

1787

Ratifying Constitution: Pennsylvania members kidnapped

them. The next morning two angry, raging members of the opposition were kidnapped and taken to the Assembly hall, where the victorious forty-five, now assured of a quorum, made them the object of pointed and contumelious remarks as they appointed the first Tuesday in November for the election, and the third Tuesday as the day upon which the convention was to meet. Before the Assembly adjourned, word was received that Congress had transmitted the Constitution to the States, and the Federalists of Philadelphia spent the rest of the day in celebration of the act of Congress and the discomfiture of the nineteen.

Election for convention

When the results of the election were known, it was found that there had been decided gains for the Federalists. The convention met November 21, and entered upon an exciting session. The leaders were Wilson of the Federalists, and Smilie, Findlay, and Whitehill of the opposition. Among the objections to the Constitution were the absence of a bill of rights, the tendencies toward centralization, and a restriction of personal liberty. These it was proposed to remove in part by amendments; but they were rejected, and the Constitution was ratified December 12 by a vote of forty-six to twenty-three.

Pennsylvania ratifies

Also New Jersey

The Legislature of New Jersey, by an act of October 26, called a convention at Trenton on the 11th of December. The following week was spent in discussion and in comment upon the new Constitution, which was ratified by a unanimous vote December 18.

1787

Ratifying Constitution: Georgia

The three middle States had now assented to the Philadelphia plan, within three months of the time when it had been sent by Congress to the States. The next State to be added to the list was of the Southern group. When the message from Congress reached Georgia, the Legislature was in session, and a convention was summoned to meet in Augusta on Christmas day. Some opposition had been expected, because of the strong sectional feeling of the State and the many local interests which might be threatened by a stronger government; but on the 2d of January the convention ratified by a unanimous vote, and expressed the hope that their action might hasten the union and promote the happiness of the land.

Connecticut

Connecticut, of the New England commonwealths, was the next to accept the Constitution. The convention met January 3, with Ellsworth and Johnson as the chief supporters of the Federal union, and James Wadsworth as leader of the opposition. Some fears were expressed that the grants of power to Congress were too ample; but it was the general opinion that a State like Connecticut would be especially benefited by the change of government. Accordingly, the Constitution was ratified January 9 by a majority of eighty-eight.

Massachusetts

It became apparent early in the contest that the principal battle-grounds would be in the States of Massachusetts, Virginia, and New York. The General Court of Massachusetts, which met October 17, received a message from the governor

1787

recommending a convention to consider the Constitution. There was opposition even to this, upon the ground that nine States could not dissolve the Confederacy, which would necessarily follow upon ratification. The election of delegates showed that the feeling which had produced Shays' rebellion had by no means subsided. The western counties sent as a large majority of their delegates, men who were known to be Anti-Federal in their views; and the Maine counties were also of the opposition, since they hoped to establish a separate government, which they feared the new plan would prevent. The Federalists had within their ranks the strongest men of the State. King, Gorham, and Strong were among the leaders; but were ably seconded by Bowdoin, the late governor, and Brooks, Heath, and Lincoln of military fame. Among the younger men were Theophilus Parsons, Theodore Sedgwick, and Fisher Ames. Samuel Adams was known to be opposed to the Constitution, and John Hancock, the governor, was not committed to either side. The industrial classes of Boston, upon whom Adams relied for support, expressed in unmistakable terms their approval; and the debates in convention removed the chief sources of Adams' opposition.

Ratifying Constitution: Massachusetts

Federalist leaders

Hancock was chosen president of the convention; and Gerry, who had been left out because of his refusal to sign the Constitution, was invited to be present to furnish information respecting the proceedings at Philadelphia. The Constitution was discussed by paragraphs, and there was

Convention

1787

Ratifying Constitution: Massachusetts

the fullest expression of opinion. The grounds of opposition were much the same as in the other States; affected, King thought, by a feeling against the men who made the Constitution. It was the work of the ambitious, the lawyers, men of learning and wealth, said some of the western delegates, men who could talk smoothly and who expected to hold office under the new government. Some condemned it because it favored the wealthy, others because there was no property qualification for office-holding. There were objections because of the enumeration of slaves; also because there was no religious test, and an infidel or papist was as eligible to office as a man of recognized standing in the church. These criticisms were based upon personal feeling, as was also the fear that the election of members of Congress for as long a time as two years would open the way for an immediate tyranny.

Criticisms

In the debate on the powers of Congress, the opposition conjured up all dangerous possibilities. Be jealous of rulers, said one man who avowed that he would not trust a "flock of Moseses"; grant them no power they can abuse. This argument was cut short by a minister in the convention, who demanded probable instead of possible objections. The evident advantage to the commerce of New England which would come from the new Constitution was a powerful argument in its favor. The jeremiads of General Thompson and Amos Singletary, who likened Congress to the great leviathan, and feared the citizens would have

1787–8

Ratifying Constitution: Massachusetts

the fate of Jonah, were silenced by Jonathan Smith of Lanesborough, who by his own statement was a farmer who wished to say a few words to his fellow plowjoggers. He came from a part of the country where the worth of good government became known by the want of it. Distress was so great that the people would have been glad to accept anything that looked like a government; and after an examination of the instrument, he was satisfied that it contained a cure for all of their disorders.

Plan of previous amendments opposed

Late in January the plan of previous amendments was introduced into the convention, with the usual arguments against it delivered in an unusually effective manner by Fisher Ames. The amendments would, no doubt, be as various as the opinions of the States which made them. A second convention would not only delay the period of good government, but would seriously endanger the Union. At this critical time, Washington's letter concerning amendments made its appearance. "If another Federal convention is attempted," he wrote, "its members will be more discordant, will agree upon no general plan. The Constitution is the best that can be obtained at this time; it is free from many of the imperfections with which it is charged. The Constitution or disunion is before us to choose from. If the Constitution is our election, a constitutional door is open for amendments."

Washington's letter

As a concession to the opposition, and in accordance with the wish of the Federalists, a plan

1788

Ratifying Constitution: Massachusetts

was formed to recommend subsequent amendments which should provide a bill of rights. On the last day of January, when ratification was proposed, President Hancock brought forward nine amendments embodying the opinions of Virginia, Pennsylvania, and Massachusetts, upon the defects of the Constitution. A committee favored the adoption of the Constitution, and a recommendation of the amendments; but for two days longer the opposition exerted its utmost influence to secure an adjournment without action. The final question came to a vote on February 6; and Hancock in putting it said: "I give my assent in full confidence that the amendments proposed will soon become a part of the system. The people of this commonwealth will quietly acquiesce in the voice of the majority; and when they see a want of perfection in the proposed agreement, will endeavor in a constitutional way to have it amended." The votes when counted showed a majority of nineteen in favor of the Constitution.

New Hampshire

The first convention of New Hampshire met at Exeter, February 13, when it was found that there was a small majority against the Constitution; due in part at least to the instructions of the towns. After a week's discussion the meeting was postponed until June, when the decision of the larger States would be known. This action of New Hampshire interrupted the triumphant progress of the Constitution, which had been ratified in every other State in which conventions had been held. New Hampshire was not of great

1788

weight in the Confederacy, but the Anti-Federalists made the most of their victory, hoping to turn the scale in Maryland.

Ratifying Constitution:

In that State the convention met April 21, with a good majority of the delegates firmly fixed in federal principles. The leaders of the opposition were Luther Martin—the author of *Genuine Information,* in which he accused the Philadelphia Convention of having exceeded its powers—and his friend Samuel Chase, both of Revolutionary fame. Their plan was one of obstruction and delay, and if possible a repetition of the action of New Hampshire,—an adjournment ostensibly to await the action of the larger States. Shortly after receiving a copy of the Constitution, Jefferson had written his criticisms of it; and had expressed the hope that the first nine States would ratify, thus securing all the benefits of it, but that the other four should decline to ratify until the amendments which they deemed necessary had been made. New Hampshire had succeeded in deferring her decision; and if Maryland should do the same, the task of the Virginia opposition would be greatly lightened. The Virginia Federalists, with Washington at their head, stimulated their brethren of Maryland to renewed efforts to defeat the plan of the opposition; but the sequel showed that there was nothing to be feared. Chase and Martin and their followers argued in vain. When the fountains of their eloquence had run dry, the convention ratified the Constitution by a vote of sixty-three to eleven.

Maryland

Obstructionism

Fails

1788

Ratifying Constitution: South Carolina

The fight in South Carolina was not in the convention, but in the Legislature, where Rawlins Lowndes led the opposition. Lowndes had opposed the Declaration of Independence; he had availed himself of British protection in the dark days of 1778; he believed that the sun of Southern liberty would set with the adoption of the Constitution. He was, moreover, a stanch supporter of the Confederacy, which he held to be a most excellent government: time-tested, honorable, and blood-cemented. Now they were to cast it all away, and adopt a new plan in which there was certain to be danger to the South: the treaty-making power in the hands of the President and Senate was liable to abuse, and the new government was likely to interfere with the institution of slavery. But the efforts to unite all forms of opposition into one party did not meet with conspicuous success. The Legislature, by a unanimous vote, summoned a convention to meet at Charleston on the 12th of the following May. The elections brought out many of the officers of the army, the men of wealth and professional men of high standing. The two Rutledges, the three Pinckneys, Gadsden, Moultrie, William Washington, and Ramsay were the leading Federalists, Ædanus Burke and Sumter headed the opposition. After a week of debate it was proposed to adjourn for five months; but upon a vote, a great majority of the delegates were opposed. On the 23d of May the convention ratified the Constitution by a majority of seventy-six.

Lowndes leads fight against it

Convention

Ratifies

1788

Eight States had now accepted the Constitution, and there was some speculation as to which one should have the honor of making it effective.

Ratifying Constitution: New Hampshire

Federal principles were disseminated and flourished in New Hampshire; and when the convention met again, but four days were spent in discussion. Twelve amendments were proposed, and the Constitution was ratified by a vote of fifty-seven to forty-six.

Although New Hampshire was the ninth State to come under the "new roof," public interest centred especially in Virginia, because there the ablest friends and most powerful opponents of the Constitution were to be found. Moreover, the opposition was on theoretical and not utilitarian grounds, and was complicated by the questions of the navigation of the Mississippi and the attitude of the district of Kentucky toward the proposed government. The first reception of the Constitution in Virginia was favorable. Several of the counties passed resolutions urging their representatives in the Assembly to recommend the speedy calling of a convention to pass upon it. Washington wrote to Henry and Harrison soon after the adjournment of the Philadelphia Convention, sending them copies of the Constitution, and repeating his favorite arguments for its support, but he failed to alter their opinions. Harrison wrote in reply: "I am so totally uninformed as to the general situation of America, that I can form no judgment of the necessity the convention was under to give us such a Constitution as it has

Virginia

Strong opposition

done. If our condition is not very desperate, I have my fears that the remedy will prove worse than the disease."

1787 Ratifying Constitution Virginia

There was no truth in the report that the Anti-Federal leaders intended to prevent a convention if possible, but the plan of amendments was formed very soon after the meeting closed at Philadelphia. It was proposed that a convention be called at once, that the amendments suggested by it be submitted to the States, and pending their action, that Virginia ratify the Constitution conditionally. If the States accepted the amendments, the latter would with the Constitution be operative in Virginia; on the other hand, if the amendments were rejected, the Constitution would still be binding upon the State. This was the plan advocated in good faith by some of the ablest men of Virginia, and it has perhaps not merited the abuse which has been heaped upon it. The plan of subsequent amendments was the better one undoubtedly, since there were fewer chances of failure to establish the new government; and the final adoption of the suggested changes reconciled the majority of the Virginia Anti-Federalists.

Plan of conditional ratification

The Assembly met on the 15th of October. The letter from Congress was read on the 19th, when Henry favored the submission of the Constitution to the people; but on the 25th, Francis Corbin, an enthusiastic but somewhat indiscreet Federalist, moved that the convention be instructed to adopt or reject the Constitution. This attempt to limit the action of the convention brought on

Debate in Assembly

1787–8 Ratifying Constitution: Virginia

a heated discussion; but the two parties were brought to agree to John Marshall's proposition that a convention should be called, and that the Constitution should be submitted to it for full and ample discussion.

Both parties were active during the eight months between the act of the Assembly and the meeting of the convention. In December Randolph published his letter to the Assembly, which in Madison's opinion was a great help to the cause. Lee, in the widely circulated *Letters of a Federal Farmer,* presented the arguments of the opposition. His opinion is expressed briefly in the following words: "If the Constitution be found right after mature deliberation, adopt it; if it be wrong, amend it at all events, for to say that a bad government must be adopted for fear of anarchy is to say that we must kill ourselves for fear of dying." Lee believed that the President and Senate had excessive power, to which the only check was the lower house, which seemed to him to be a "mere shred or rag of representation." "The evil," he said, "rests upon a constitutional bottom, and the remedy upon the mutable ground of legislation revocable at every annual meeting." George Mason's *Objections* were widely read, and were directed against the decision of a bare majority in commercial measures, the great power of the executive and Senate, and the elasticity of the "general welfare" clause. "This government," he concluded, "will commence in a moderate aristocracy; it is at present impossible

Richard Henry Lee's objections

George Mason's

to foresee whether it will, in its operation, produce a monarchy or a corrupt oppressive aristocracy. It will most probably vibrate some years between the two, and then terminate in one or the other."

1787–8

Ratifying Constitution: Virginia

From December to February the outlook was decidedly gloomy for the Federalists. The March elections brought some comfort, for it was seen that the delegates were uninstructed. Most of tide-water Virginia and the country now comprising the State of West Virginia were known to be favorable; but no one could predict the action of Kentucky or of some of the lower counties. In the former district the Spaniardizing republicans, the advocates of extreme States-rights doctrines, and the partisans of separation, were opposed to the Constitution. Of the four counties, Jefferson alone sent federal delegates.

Convention meets

A majority of the members of the convention met at Richmond June 2; and by a unanimous desire, Edmund Pendleton was chosen as the presiding officer. With the exception of Washington, Jefferson, and Richard Henry Lee, all the great men of the State were present. There was, besides, a large gathering of young men with political aspirations, who were attracted by the concurrence of so many men of note. The plan of discussing the Constitution clause by clause was adopted, since it promised the greatest freedom of debate. The leaders of the opposition were Henry, Mason, Harrison, Grayson, Tyler, and Monroe; and the Constitution was ably defended

1788 by Madison, Randolph, Pendleton, Wythe, Marshall, Nicholas, and Innes.

Ratifying Constitution: Virginia

Of the one hundred and sixty-eight members, only twenty-five were active in debate, while the burden of argument was borne by not more than fifteen men. It was in general a debating contest between the legal and forensic talent of the State; but there were times of general conversation, in which many of the members took part. From the 4th to the 12th of June, the discussion shifted from one part of the Constitution to another. One day was given to the question of the navigation of the Mississippi. The motion for

Ratifies

ratification was made June 24; the day following, Henry's motion for previous amendments was defeated by a vote of eighty-eight to eighty, and Wythe's proposal to ratify was carried by a majority of ten. Members of both parties were appointed upon a committee to suggest changes, and on June 27, reported a bill of rights in twenty-one articles, and twenty amendments to be proposed in the manner specified by the Constitution.

After this result in Virginia, there could be no question of the ultimate success of the Constitution; but the situation in New York attracted popular attention because there the Federalist cause seemed hopeless. Of the sixty-five delegates chosen to the convention, two-thirds were known to be determined Anti-Federalists; led by Clinton the governor, by Judge Yates and Lansing, Samuel Jones and Melancthon Smith. Against this majority it seemed that the Federalists,

NewYork

1788 June

Ratifying Constitution: New York

though led by Hamilton and Jay, by Chief Justice Morris and Chancellor Livingston, would contend in vain. Debate began on June 19, and was carried on for two weeks in the bitterest spirit. The Anti-Federalists did not dare to reject the Constitution, but wished to delay until the results from New Hampshire and Virginia were known.

On the 3d of July word was received that Virginia had ratified, and after that time it became a question of the form in which the approval of New York should be expressed. A conditional ratification was proposed, but was prevented by Hamilton, who was supported by Madison's opinion that the Constitution required an adoption *in toto* and forever. The best terms that the friends of ratification could secure were coupled with a letter to the executives of the States, inviting a new convention to consider amendments, of which New York proposed thirty-two and a bill of rights.

Proposes new convention

But little attention was paid to the circular letter except in Pennsylvania and North Carolina.

A convention of delegates met in Harrisburg September 3, 1788, and adopted a report in which a general convention was favored for the purpose of determining amendments. Among those proposed at Harrisburg, the most important were that Congress should not exercise any power not especially delegated to it, that there should be one representative for every 20,000 people until the number reached two hundred, that Senators should be subject to recall by the State legislatures

Adopted by Pennsylvania

1788

at any time, and that no treaty should be allowed to affect the laws of the United States or of a State until it had been assented to by the House of Representatives.

Ratifying Constitution:

The delegates of North Carolina met in convention on July 4. Many of them had been instructed by their constituents to vote against the Constitution; but while they were in the midst of the discussion, they were informed that New Hampshire had ratified, whereupon they postponed action and proposed amendments in accordance with the recommendation of New York. Arrangements were made which would prevent any interference of the government of the State with that soon to be inaugurated, but final ratification did not take place until November 1789.

North Carolina convention

Popular enthusiasm increased with each succeeding ratification, and everywhere men began to talk of the inauguration of the new government. Within less than ten days after the publication of the Constitution, public opinion had selected Washington as the first President, and Adams was mentioned for the second office before nine States had assented to the new plan. Everywhere there was rejoicing over a final rescue from political destruction. The Virginia towns blazed with bonfires, Pennsylvania villages and the communities of New England passed resolutions of congratulation, and more pretentious celebrations expressed the satisfaction of the people. In Boston the long-boat *Old Confederation* was taken to the Common, and inspected and burned in the

Rejoicing over ratifications

1788

Celebrating ratification of Constitution

presence of applauding citizens. Escorted by the members of forty different trades, the new ship *Federal Constitution,* drawn by thirteen horses and manned by thirteen sailors, was drawn in triumph through the streets. It was proposed to keep sacred the 6th of February, and perpetuate it in verse of which the following sample will suffice:

"Hail the day and mark it well
When old Anarch's kingdom fell;
Then our dawning glory shone,
Mark it freemen, 'tis our own."

At Philadelphia, the dawn of the 4th of July was greeted by salutes from ten ships representing the ten ratifying States. About noon the monster procession began to move. In it, men represented Independence, the French Alliance, the convention of the States, and the Federal edifice, a new roof supported by thirteen columns. The Federal ship *Union* cast anchor at Union Green. Wilson delivered an address; an ode by Francis Hopkinson was sung, and a patriotic dinner followed. Baltimore celebrated on the first of May by a procession of forty-five trades and professions, the Bench and Bar, the doctors and clergy. June 29 there was a general rejoicing at Portsmouth, New Hampshire. A printing-press in the procession printed and distributed patriotic songs, the school boys and girls formed an attractive feature, and the young women carried a terrestrial globe with New Hampshire at the zenith and Rhode Island in mourning on the western horizon. They moved

1788

on to Union Hill, where seamen climbed to the mast-head of the *Constitution* to spy out the good ship *Virginia,* which was hourly expected.

Celebrating ratification of Constitution

There was a large gathering of the people at Charleston, South Carolina, May 29, with the usual accompaniment of tradesmen escorting and following the ship *Federalist.* The procession in New York resembled somewhat the mystery play of the mediæval times. There the procession was led by Columbus, the Cincinnati, and a group of husbandmen. Then followed Adam and Eve, busily engaged in making themselves new clothes under the guidance of the tailors' company. Then came the measurers of grain, the bakers, brewers, coopers, butchers, and fourteen other bodies escorting the Federal ship *Hamilton,* drawn by ten horses. Following were nine other associations and many societies; the whole, it was thought, amounting to more than five thousand people.

Constitution set at work

The new government was now assured of the support of the people. It would begin under favorable auspices, administered by those who had been most closely associated with its formation. The first victory had been won, and the Federalist party determined not to relax their efforts until the Constitution in fact promoted the general welfare and secured the blessings of liberty.

PARADE IN HONOR OF THE ADOPTION OF THE FEDERAL CONSTITUTION, 1788.

(From the Emmet Collection, New York Public Library.)

PART IX.

The Federalists.

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CHAPTER LIV.

FRAMING OF THE NEW GOVERNMENT

1788

As State after State adopted the Constitution, the opposition changed its character, until it became chiefly a movement to secure amendments which should remedy the most marked defects of the new plan. There was a general opinion in favor of giving it a fair trial, since there were well-founded doubts as to the advisability of a second convention. The assembly at Philadelphia had been composed of the most eminent men of the nation, and they had deliberated for three months before sending forth the results of their labors. If this attempt failed, it was unlikely that another would succeed.

Why the Constitution was accepted

It has been said that if the Constitution had been submitted directly to the people by the convention, it would have been rejected. There are reasonable grounds for this belief; but it is true also that there was no alternative but acceptance, and discussion—full, open, and wide-spread—gradually won popular support for the new government. This support afterward developed into a growing interest, and even enthusiasm, over the prospect of a successful result of the approaching experiment. Washington had been proposed for President within a fortnight after the Constitution

Not submitted to popular vote

Rising hopes

1788-9

had been published; the name of Adams for second place was talked of before the end of the year; and there was much planning and scheming among would-be office-holders long before the time set for the operation of the Constitution.

Appointment of electors

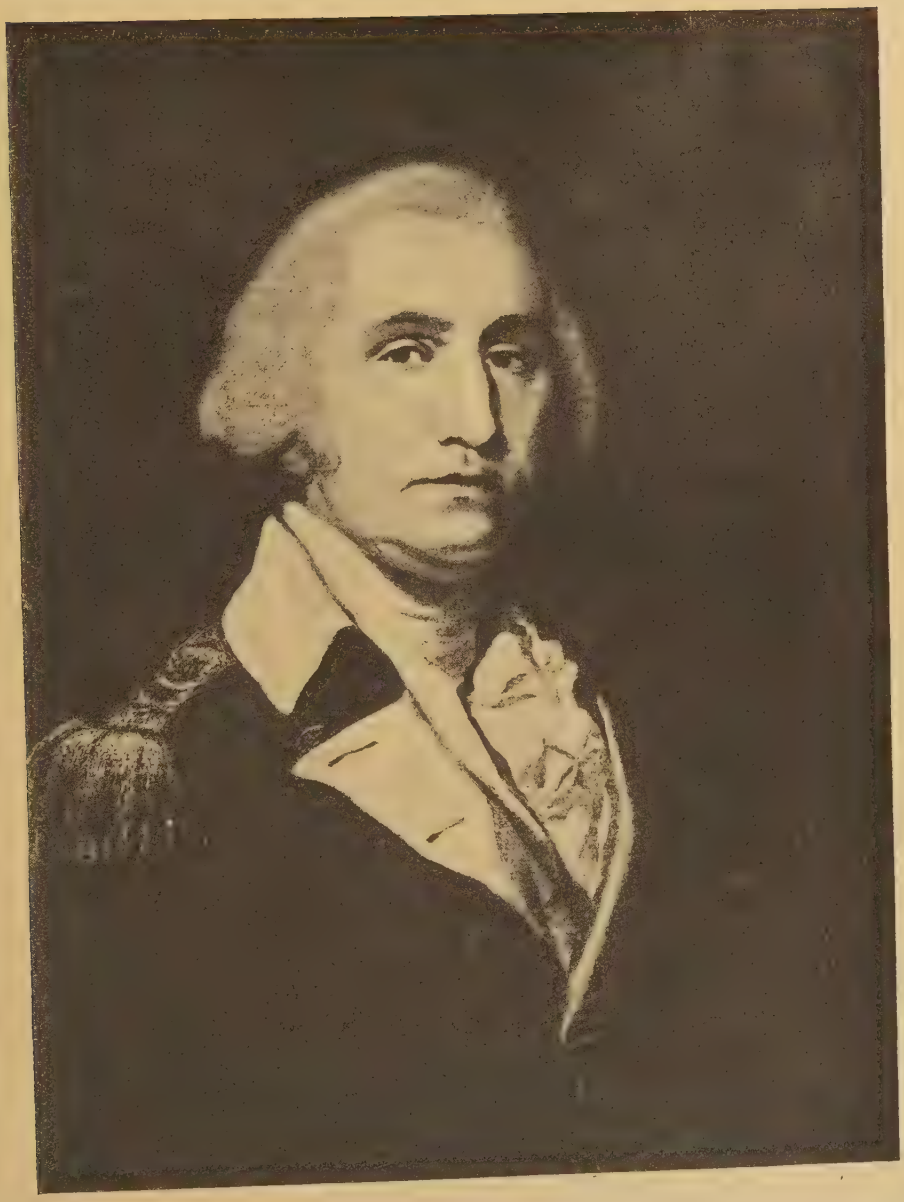
All of the ratifying States except New York appointed electors in due time. In general the choice was by the State legislatures; but in Massachusetts the voters of each Congressional district chose three candidates, of whom the Legislature selected one. The people of Virginia chose by districts which were made for that purpose.

Time and place of government's assemblage

Congress had fixed the day for the choice of electors as the first Wednesday in January, 1789; House were to assemble the first Wednesday in February to cast their votes; and the Senate and House were to assemble the first Wednesday in March, which in that year fell upon the 4th of the month. The meeting-place for the new government was the subject of no little discussion. The prevailing sentiment seemed to be for the middle States, even as far as the banks of the Potomac. Trenton had its advocates, as also had Baltimore. Philadelphia was urged by its partisans also; but after one or two changes, Congress fixed upon New York.

But one choice for President

There could be no question of the result of the electoral vote for President. Instinctively all eyes turned to Washington; and it is not too much to say that the initial experiment with the new Constitution owed not a little of its success to the confidence felt by all classes in his integrity and



GEORGE WASHINGTON.

judgment. Rightly they believed him to be above the political arena in which other public men moved. Sixty-nine votes, the total number, were given to him; but for second place the result was far different. 1789 Washington chosen President

There were several candidates for the honor; but in the certainty that the highest office would go to Virginia, it seemed that the second place should go to New England, and what State was more deserving than the Old Bay State? Of her sons, John Adams was among the most prominent. He had long filled a responsible and unpleasant place at the British court. His zeal and integrity in the public service were unquestioned. But by some Adams was suspected of leaning toward monarchy; an unfortunate expression by which he had intimated that political leadership belonged of right to the wealthy and "well-born" would not down. Moreover, the party which had opposed the Constitution in New York had their own candidate for the Vice-Presidency, in the person of George Clinton; it was hoped that those who were desirous of seeing a speedy adoption of the suggested amendments would favor him. The Vice-Presidency

Hamilton, too, conspired to defeat Adams through the machinery of the caucus. Adams, who knew Hamilton's methods, said that he was the greatest organist that ever played upon that instrument; and Adams himself was no novice in the management of a political machine. Hamilton sought to frighten votes away from Adams by the bogy of Washington's defeat. To Virginians he Adams and the opposing elements

1789

expressed the fear that Washington would fail to get all the electoral votes of New England. He sent messengers to Connecticut with the report that the Southern vote would be scattered, and in New Jersey he sought by similar influences to draw away the vote from Adams; no man, however, knew better than he that the chance of a single vote going elsewhere than to Washington was hardly worth consideration.

Hamilton works against Adams

When the ballots were counted for second place, it was found that of the sixty-nine electoral votes, Adams had received only thirty-four. John Jay had five votes from New Jersey, three from Delaware, and one from Virginia. Three of the votes from Virginia went to George Clinton, one to John Hancock, and five to Adams. South Carolina gave six of her seven to John Rutledge. The entire vote of Maryland, six in number, went to Robert H. Harrison of that State. Georgia gave two of her five votes to John Milton, and one each to James Armstrong, Edward Telfair, and Benjamin Lincoln; thus bestowing a possibly not undeserved but certainly empty honor upon her favorite sons.

Who is elected

Scattering opposition

Elections for members of the Senate and House were attended with more excitement. In States where parties were nearly equal, and where the election laws were cumbersome, the results were long in doubt. The polls in some of the New Jersey counties were kept open for a fortnight. In Connecticut, a sifting process in vogue made an election almost impossible when parties were of

Elections to Congress

practically the same strength. Many of the members of the new Congress were favorable to the new plan; but Virginia sent as Senators two of the leaders of the Anti-Federalists, Richard Henry Lee and William Grayson. Madison had been a candidate, but had been defeated chiefly by the influence of Patrick Henry, who attempted also to keep him from the House of Representatives. 1789

The method of choosing Senators varied greatly in the different States. The Constitution did not prescribe the mode of election by the State Legislature. If the choice was to be by a concurrent vote, it would be possible for one house to defeat the other; as in the case of New York, where no Senators were chosen until after a new election, which sent to the Senate Rufus King and General Schuyler. Trouble over Senatorships

With the 4th of March the government of the Confederation came to an end; but its successor was not yet in working order. Even the building destined to shelter the Congress was in the hands of the carpenters and painters, who were remodeling and refitting it at an expense of about $32,000, contributed by the New York merchants. But eight Senators and thirteen members of the House were in New York on the day appointed for the opening of Congress. At the end of a week an urgent appeal was issued to their absent colleagues, and was repeated a week later; but it was nearly a month before a quorum was secured. Some of the elections had been delayed; the roads were bad and the rivers high; and moreover, men Delay in assembling of Congress

1789 March–April

had not yet given up the leisurely movements which were characteristic of the members of the old Congress.

Tardily gathered Congress

At length, on the 30th of March, thirty members of the lower House appeared and proceeded to the work of organization; electing as their Speaker Frederick A. Muhlenberg, a wealthy sugar refiner of Philadelphia. Another week was spent in waiting for a quorum of the Senate to gather, so that it was not until the 6th of April that the houses were able to proceed in the counting of the electoral votes. The members assembled in the Senate chamber; there the returns were opened by John Langdon, the temporary presiding officer, and the results read, the tallies being kept by clerks selected from both Senate and House.

Counts electoral votes

After the appointment of messengers to announce the choice officially to Washington and Adams, a committee was appointed to arrange for their proper reception and for the ceremonies of the inauguration.

New executives officially notified

Charles Thomson, who was appointed to convey the news to Washington, started from New York on the 7th of April; and by more than ordinary speed and good fortune reached Mount Vernon at mid-day of the 14th, when he delivered the message from the president of the Senate, and accompanied it with a short speech of congratulation. John Adams was officially entertained by Governor Hancock before leaving Boston, and upon his departure was escorted to the borders of Connecticut by a troop of Massachusetts horse.

1789 April

He was conducted through the State by a guard of honor of the Connecticut militia, and was met at King's Bridge by Governor Clinton, who with companies of the militia and committees of the citizens escorted him to New York. On the 21st he took his seat as president of the Senate, and for the next week was concerned principally with the forms and ceremonies he conceived necessary to usher in properly the new government.

Adams takes his seat

Meanwhile Washington was preparing to leave the well-earned leisure which he had just begun to enjoy, and to take upon him again the burden of public office. He left Mount Vernon on the 15th of April in company with Secretary Thomson and Colonel David Humphreys; was given a farewell dinner at the City Hotel by his fellow-citizens of Alexandria, and welcomed to Maryland by the people of Georgetown. On the borders of Pennsylvania he was met by Governor Mifflin and a numerous escort, who accompanied him to Philadelphia, where he was entertained by various civic bodies, by the University, and by the Executive Council. The following morning he left Philadelphia, and was escorted by a detachment of the Philadelphia Light Horse to Trenton. Here the patriotic women of the town had erected a triumphal arch upon the bridge over the Assanpink Creek, across which he had led his army on that January night preceding the battle of Princeton. The arch, which was eighteen feet high and fifteen feet broad, was supported by thirteen pillars and entwined with laurel. The roof was made of

Washington's journey to executive chair

Public honors at Trenton

1779 April 23–30

Honors to Washington at Trenton

evergreen and laurel, and on the front were the words, "The Defender of the Mothers will also Protect their Daughters." Over the centre of the arch was a square frame bearing the date of his victory; and there also was a large sunflower, which, since it always pointed to the sun, was held to express the sentiment "To You Alone." As soon as the General had passed under the arch, the white-robed girls, who had gathered in large numbers, sang a few stanzas, which the papers of the day term an "affecting sonata."

Ceremonial escort to New York

So numerous were the orations and so large the numbers of people who crowded to see him, that it was not until the 23d of April that Washington reached Elizabethtown, where he was met by Chancellor Livingston and the committee of Congress. Here a state barge had been prepared, rowed by master pilots dressed in white; and as Washington embarked, the cannon were fired and the barge, surrounded by gaily decorated packet-boats, made its way slowly to the New York shore. The ships, houses, and docks were crowded with people whose cheers mingled with the salvos of the Battery in a welcoming salute. As he landed, another salute was fired, the cheers rang out again, and the procession formed to escort Washington to the place of his entertainment. That night the houses were illuminated and the streets were filled with people, who prolonged their rejoicing to a late hour.

Federal Hall was still in the hands of the carpenters, so that the ceremony of inauguration did

not take place until April 30. On that day services were held in all the churches at nine o'clock. At noon the inaugural procession moved from the house of the President-elect on Cherry Street through Pearl and Broad Streets to Federal Hall, where Washington went to the Senate chamber and was formally introduced to both houses of Congress. Upon the intimation of the Vice President that the time had come to take the oath, Washington went out upon the balcony of Federal Hall, where he could be seen by the numerous crowds of people who filled Wall and Broad Streets. The oath was administered by Chancellor Livingston, who exclaimed as the ceremony was concluded, "Long live George Washington, President of the United States." The people cheered in reply, bells rang and cannon thundered; the new government was at last happily set forth upon its way.

1789 April 30

Washington takes the oath

Upon his return to the Senate chamber, Washington read the inaugural address. The scene was a touching one, of the most solemn kind. The aspect of the President was grave almost to sadness; his voice deep, a little tremulous, and so low as to call for close attention. The ceremony seemed to Fisher Ames an allegory, in which virtue personified addressed these whom she would make her votaries. In his address the President noted the successive steps by which the colonies, under Divine guidance, had become an independent nation; complimented the people upon the high character of the men first chosen to represent

Reads inaugural

1789 April 30–May

them in Congress; and suggested the propriety of amendments to the Constitution. In reply the Senate and House thanked Washington for his speech, and congratulated him upon the renewed proof of the love and veneration of his fellow-citizens. After the inaugural address, the President and Members of Congress went to St. Paul's Church, where Dr. Provoost, the bishop of New York, read prayers suitable to the occasion. In the evening the streets were filled with people who talked of the events of the day, admired the illuminations in the windows of the French and Spanish envoys, and marveled at the fireworks displayed on the Battery.

Washington's inauguration

The determination of official etiquette and procedure was the cause of much labor. Federalists proposed high-sounding titles and solemn ceremonies, which aroused the wrath of the Republicans. Should the President be styled His Excellency, His Highness, High Mightiness, or be addressed in the longer form especially favored by the Senate, as "His Highness the President of the United States and Protector of their Liberties"? The subject had been discussed in both houses, and a joint committee had reported that it was not proper to address the President by any other title than that used in the Constitution; but the Senate refused to concur in this report, and the battle raged again.

President's official title

Said one member, "Does this look like a pure democracy?" "Does the dignity of a nation consist in the distance between the first magistrate

and the citizens?" Others believed titles to be unwarranted by the Constitution, dangerous, vain, ridiculous, and arrogant. The Senate wished, they said, to have a court with all its finery, pomp, and lordly distinctions; and moreover, was inclined to exalt itself not a little over the more numerous House of Representatives. The attempt to secure titles was largely the wish of the Vice-President and Richard Henry Lee, one of the Senators from Virginia. The House refused positively to revoke their former decision; and Lee, whom Senator Maclay styled the "high priest of the whole idolatrous business," was compelled to move a postponement in the Senate. After a time the entire subject was dropped; much to the satisfaction of the moderate party, which could not reconcile titles with republican forms, though not fearing dangers to liberty like the extremists.

1789 May

Question of President's title

A more perplexing and far more important subject was the determination of the ceremonies and forms which should be adopted by the new Executive. Washington addressed letters on the 17th of May to the Vice-President and to Hamilton, asking their opinion upon certain principles which might serve as a guide to his conduct. Should the President be accessible to every one; should a policy of total exclusion prevail, or should a middle course be adopted? How often should public receptions be held, and when should the President be free to all who had business with him? Might the President, with propriety and without giving offense, entertain a small number

Executive ceremonial

1789 May

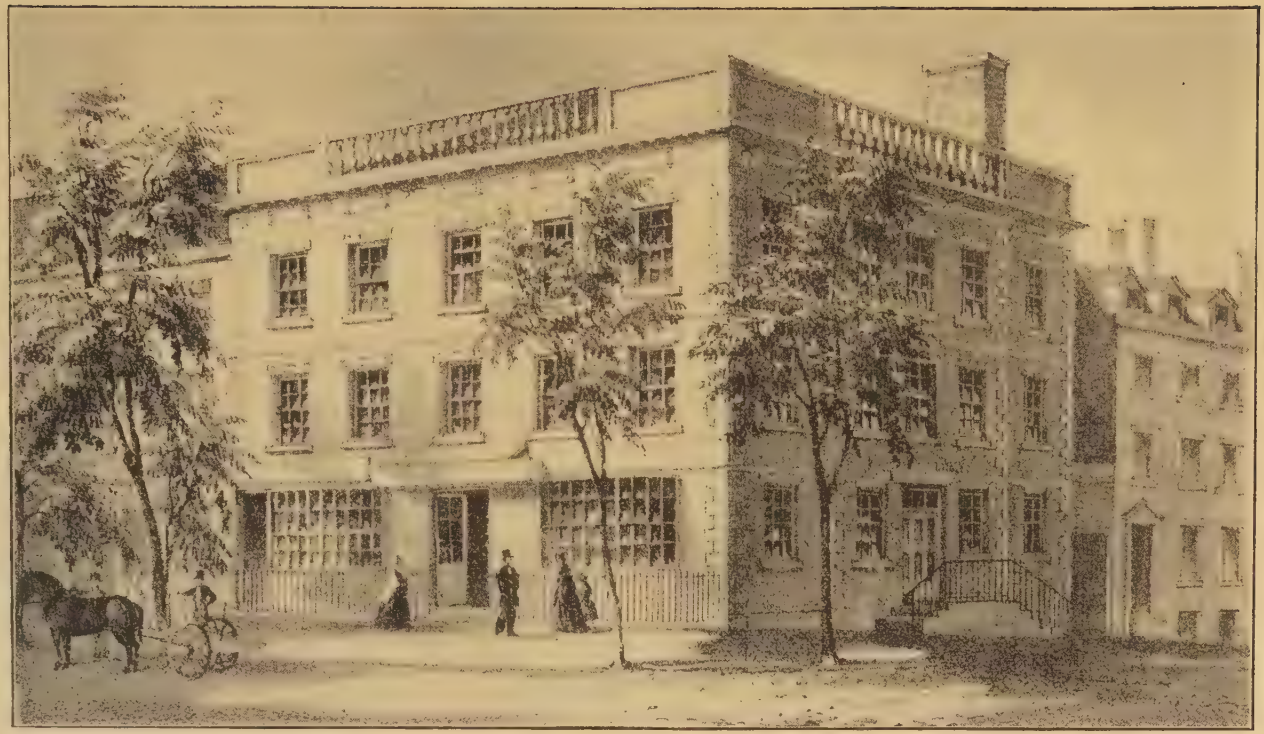
of people at dinner? Might the President make informal and unofficial visits to his friends; and finally, might he not, in the interests of the Union, visit the States in the recess of Congress?

Public etiquette of President

Replies to these and similar questions drew a sharp line between the President as a public officer, and in private life. With his personal friendships the people had nothing to do. As the head of the nation, however, there were certain favors to be shown to the public, and a measure of recognition, which his fellow-citizens might reasonably demand. Some persons favored a mild form of courtly ceremonial, in which they hoped to appear in the subdued splendor which befitted a dignified aristocracy; others were inclined to oppose everything of the sort, and lamented the departure, already apparent, from stern republicanism. It was decided finally that the President should receive on Tuesdays and Fridays; should have small dinner parties on levee days, with three or four larger entertainments during the year; and should be accessible to those who were properly introduced, as well as to the officials of the United States and foreign governments.

Washington's public manners

Josiah Quincy has left us a description of one of these levees:—"The President, a little stiff in person, a little formal in his manner, and not particularly at ease in the presence of strangers, had the air of a perfectly polite country gentleman not accustomed to mix much in society. He stood, in full dress, facing the door of entrance, and the visitors, on their arrival, were presented to him.



THE FIRST PRESIDENTIAL MANSION

Afterward they took their places in a circle and the President addressed each one in turn, after which the callers retired and the ceremony of the day was concluded." Besides the select parties on levee days, official dinners were given once a fortnight. 1789 May-July

Soon after the inauguration, Congress proceeded to the organization of the executive departments for which the Constitution had made provision. At the outset, there was a discussion upon the relative merits of a commission and a single departmental head. The former was a mode much in favor in England; it had the advantage of interposing obstacles to the introduction of corrupt influences, with the disadvantage of hindrance to business caused by conflicting personal motives and ambitions. Both plans had been tried by the old Congress, and it would seem that single departmental heads had been found more satisfactory. Moreover, these ministers had no power except through the President. To him they owed their appointments, and he was responsible for their conduct in office except where it became impeachable misconduct. For these reasons, single heads of executive departments were agreed upon; and those of Foreign Affairs, of the Treasury, and of War were organized. Single department heads vs. commissions

Former decided on

When the first of these was proposed, Vining of Delaware made a persistent effort to establish the office of Home Secretary; but the attempt failed, partly because of the additional expense which would be incurred, and also because of the No Home Secretary

1789 May–July

opinion that domestic affairs were intended to be chiefly in the hands of the States, and that the few duties which remained to the national government could be performed by the other departments. The name was changed to the Department of State, and Jay performed the duties of the office until the arrival of Jefferson from France.

State department constituted July 27

It was in connection with the resolution to establish this department that the question of removals was discussed with thoroughness which should have left small room for later doubts. The power to appoint included also the power to remove; and since the first could be done only with the consent of the Senate, therefore the consent and approval of the Senate was necessary for removal. This argument was combated vigorously by Madison especially, and by Fisher Ames. Madison believed that it would not be consistent with the Constitution to require the concurrence of the Senate in removals, for that body would be given too many opportunities for interfering with business which properly belonged to the Executive alone. A faction of the Senate, by an alliance with a refractory secretary, might weaken the President and obstruct public business. Impeachment was a remedy for flagrant offenses, but was such a doubtful weapon in cases of simple inefficiency that little was to be hoped from it. The responsibility of the President was well established, and to impose upon him assistants who might be unfit or personally distasteful would be contrary to the constitutional conception of the

Appointments and removals

Arguments for leaving latter to President

executive office. Fisher Ames believed Senatorial meddling with appointments to be one of the least defensible parts of the Constitution. The number of the Senators, the secrecy of their actions (an acute prophecy) would shelter them; and a corrupt connection between those who appointed to office and those who maintained in office, and the officers themselves, would be created. Upon a vote May 19, a considerable majority was found to be in favor of vesting the power of removal in the President; but a final vote showed a smaller majority, and the bill passed the Senate only by the vote of the Vice-President.

1789 May-Sept.

Removals left to President

Congress organized the Treasury Department upon the general plan which had been adopted by the Confederacy in 1781. By a division of functions it created what was practically a commission; in which each member, dependent upon the head of the department, acted under his direction, but performed duties assigned by law which served as checks or verifications of the work of the other officers of the department. To the Secretary was assigned the estimates of income and expenditure, the preparation of plans for the increase and management of the revenue, the issuing of warrants upon the Treasury for all appropriations. The Comptroller was to countersign Treasury warrants, and to direct all legal proceedings in debts due the United States. Accounts were to be certified by the Auditor, who examined the vouchers; and finally, the Register recorded these vouchers and warrants and had charge of the accounts.

Treasury Department

1789 Aug.-Sept.

This result was not reached without considerable opposition. Some members of Congress believed that the temptations of the office were too great for any single man to withstand, and that the position would be a centre of corruption which might endanger the state; but these advocates for a Treasury Board could not conceal or explain the fact that the experience of the old Congress with a similar body had been far from satisfactory. The office, which was the ambition of Chancellor Livingston of New York, was filled by Alexander Hamilton. General Knox was continued as Secretary of the Department of War, which was now made to include the Navy. The duties were not arduous, since nothing remained of the Navy, while the Army was reduced to a battalion of artillery and a regiment of infantry. Payment of the soldiers and of the militia in service on the frontier, and of pensioners, was provided for by law.

Treasury Department established Sept. 2

War Department Aug. 7

The post-office was continued under the management of Ebenezer Hazard until a new complete plan for its management and extension could be evolved.

Continental post-office continued

Meanwhile a committee of the Senate had reported a bill establishing the judicial system of the United States. The committee consisted of Ellsworth, Paterson, Maclay, Strong, Lee, Bassett, and Wingate. The Supreme Court had been established by the Constitution, and this Act now fixed the number of justices at six. John Jay, who had been tendered any position in the gift of the government, became the first Chief Justice; his associates

National Judiciary established Sept. 24

were William Cushing of Massachusetts, James Wilson of Pennsylvania, John Blair of Virginia, John Rutledge of South Carolina, and James Iredell of North Carolina, who was appointed to fill the place declined by Robert Hanson Harrison, the Chancellor of Maryland. 1789 Sept. 24

The Act established two kinds of inferior tribunals, the District and Circuit Courts. Of the former there were thirteen; one for each of the eleven States then in the Union, and one each for the districts of Maine and Kentucky. Four sessions were to be held annually, and special courts when convenient or necessary. The courts in Maine and Kentucky were to have the authority of Circuit Courts. The eleven States were separated into three groups; and in these, semi-annual sessions of the Circuit Courts were to be held by two judges of the Supreme Court and the judge of the district in which the Court was held. Courts were empowered to appoint their own clerks, while the marshals and district attorneys were to be appointed by the President. These broad outlines of the judiciary system have remained the basis until the present time, modified to accommodate the business of the country vastly increased in amount and complexity. District and Circuit Courts

By the terms of the bill, the Supreme Court was to have exclusive jurisdiction in all controversies of a civil nature where a State was a party; to have original but not exclusive jurisdiction in cases of aliens, or between a State and citizens of other States. Exclusive jurisdiction was conferred Supreme Court

1789-90

in suits or proceedings against ambassadors or other public ministers, in so far as the law of nations permitted, and original but not exclusive jurisdiction in suits brought by ambassadors or other public ministers, or in suits to which a consul was a party. Further, the Court was to have appellate jurisdiction from the Circuit Courts and State courts, with power also to issue writs of prohibition to District Courts when proceeding as Courts of Admiralty, and writs of mandamus to any courts created or persons holding office under the authority of the United States. Cases might be called from the State courts upon writs of error, provided the validity of a treaty, an act done or right conferred by virtue of a treaty, or a law of the United States, was questioned and the decision had been adverse; or the decision of a State court had affirmed the validity of a State law which might be contrary to the Constitution. Circuit Courts were to have jurisdiction in civil suits between citizens of different States, or cases in which the United States or an alien was a party, in all matters exceeding $500. The Circuit Courts were to receive appeals from District Courts in cases where the amount in dispute in civil cases exceeded $50, or in admiralty, $500.

Powers of Supreme Court

Of Circuit Courts

For a time the Supreme Court had little to do. The first court-room was in the Exchange. On February 1, 1790, Chief Justice Jay and Justices Cushing and Wilson met there; but adjourned until the following day, when Justice Blair and Edmund Randolph the new Attorney-General

made their appearance, and the court was formally opened. The judges of the Supreme Court of New York, James Duane the district judge, the mayor and Recorder of the city, the jurors and officers of the District Court, and many distinguished members of the bar, were present. Proclamation was made of the opening of the court, the commissions of the judges and Attorney-General were published, a crier and clerk were appointed, the oaths administered, and a bond approved; after which the court adjourned. That night the grand jury for the district gave "a very elegant entertainment" in honor of the court, at Fraunce's Tavern. The following day attorneys were admitted to practice in the courts, and a few rules were adopted; and there being no further business, the court adjourned until the following August.

1790 Feb. et seq.

Supreme Court begins work

When the Supreme Court met for the second time, Iredell's commission was published, the clerk was directed to prepare a seal for the District Court of Rhode Island, several lawyers were admitted to practice, and another adjournment was necessary because of lack of business. The judges had their first experience in the Circuit Courts. The Chief Justice and Justice Cushing held court in the Eastern Circuit, Justices Wilson and Blair in the Middle Circuit, and Rutledge and Iredell in the South. The lot of a judge in circuit was not an enviable one. The roads and inns were bad, traveling was generally upon horseback, and exposure to the inclemencies of the

Second session

Judicial circuits

1789-92

weather certain. Southern circuits were not desired because of their great extent; and a plan to confine the justices to definite tours met with such disapproval, that in 1792 it was decided that the members of the court should in turn serve in the circuit most remote from the seat of government.

National salaries Act of Sept. 22, 1789

When the determination of salaries was made, there was not a little contention from various quarters of the Union. Members of Congress voted themselves six dollars a day with mileage, but refused to increase the pay of Senators because of their superior dignity and station; the Speaker was given double pay; $2000 was judged a sufficient salary for the Governor of the Northwest Territory; district judges received from $800 to $1800, justices of the Supreme Court $3500, and the Chief Justice $4000. Of the Cabinet the Attorney-General was allowed but $1500, but was not expected to give up his private practice; the Secretary of War got $3000, and the heads of the State and Treasury departments $3500. The President, following his custom, declined a salary; but since the Constitution provided for his payment, Congress decided that he must waive his objections, and his salary was fixed at $25,000. This he assumed to be the judgment of Congress as to his expenses, and used the whole of it in keeping up the dignity of his office.

Washington spends all his

Popular grudging

In New England there was no little murmuring at the general extravagance of Congress. Fisher Ames believed that $1500 would secure men of superior talent for the Supreme Bench. The

pay of Congressmen, people said, was little short of waste of public money, and at such a rate the country would soon be bankrupt. Five dollars a day should be ample for Congressmen, as not many of them could make more than that at home. On the other hand, it was contended that low salaries would fill the public offices with men of small abilities and open the way for corruption, or make politics a career open only to the wealthy and thus introduce an office-holding aristocracy into the American political system.

1789 April–Oct.

Arguments on salary question

Soon after the session began, Congress had entered upon the discussion of ways and means to raise a revenue. On the 8th of April, before the Executive branch of the government was in operation, Madison had introduced a resolution providing temporary duties, to be based upon the plan formerly proposed in the Congress of the Confederation. Specific duties were to be laid upon rum, liquors, wines, tea, coffee, pepper, sugar, and molasses, a tonnage tax upon vessels, and other duties upon imported goods in proportion to their value. The idea of a revenue was the predominant one; but there was also a desire to protect the American manufacturer and producer from the effects of competition with the cheaper commodities of European nations. Personally and theoretically, Madison declared himself a free-trader; but he added: "If America was to leave her ports perfectly free and make no discrimination, it is obvious that such a policy would exclude American shipping altogether from foreign ports." Fitzsimmons, a

Madison's revenue plan

Mildly protective

1789 April–May

wealthy merchant of Philadelphia and an authority on all trade matters, opposed temporary duties and submitted a list of articles upon which it would be proper to collect specific duties for revenue, as well as for the protection of the American manufacturer.

Contest over first tariff

The real contest began when Congress attempted to determine the amount to be assessed upon each of the articles proposed. Fifteen cents a gallon upon rum was thought to be too high, an open encouragement to smuggling; and ten cents suggested as a substitute. Members from the South, as a rule, favored this duty, and New England was not particularly opposed to it; but upon the amount there was a great diversity of opinions. Some members believed that a high tariff would defeat the object of the bill, and cause the smugglers to swarm in every creek, bay, and cove along the coast. The people would have rum, and would pay a small duty for it; but if denied, their ingenuity would devise a thousand ways of getting it by evading the law. New England was the chief market for the molasses of the West Indies, which was converted into rum; and this tax, if not prohibitive, would check the importation of rum and encourage that of the raw material molasses. The home product might be kept purer, and so be less injurious to the people.

West India and New England rum

Molasses

Moral argument

There were some arguments also based upon the moral and physical effect of rum. It was said that people would agree and approve a large revenue obtained from such a source, and the increased

consumption of rum, might at the same time be effectually checked. To this Fisher Ames replied that the question of revenue was under discussion, and not that of public morals, and no law could turn the taste of the people from ardent spirits to malt liquors. The House in committee finally compromised upon a maximum duty of fifteen cents upon spirits of the strongest proof.

1789 April–May

Duty on rum

When molasses was reached, Madison proposed a high duty, which he hoped would be equivalent to a tax upon the product rum, and thus avoid excise duties, which many members of Congress believed to be necessary. There was an immediate and emphatic protest from New England against a revenue from this source. Molasses was used throughout that section as a staple article of diet; it was one of the necessaries of life. The amount of the tax was inordinately high: for assuming rum to be worth forty-five cents a gallon, the proposed duty, fifteen cents, was one-third of the value; while molasses, a necessity, would not sell for more than fifteen cents, and a tax of six cents was proposed. Massachusetts alone imported yearly forty thousand hogsheads in exchange for salt fish, for which they had no other market. The proposed duty would prevent importation and ruin the fisheries, thus destroying a great industry of New England for the benefit of the other States. England had tried to tax molasses at threepence a gallon, but had been compelled by public wrath to cut it to a penny. In spite of opposition the duty was fixed at six cents a gallon, and the Senate

On molasses

New England protests

1789 April–May

remained the only hope of the New-Englanders. "The Senate," said Fisher Ames, "will, I trust, revise our doings with a temperate spirit. The Senate is a respectable body."

Duty on salt

Friends of the farmers and of the western country were aroused by a proposition to lay a duty of six cents a bushel on salt. People of the West and the agricultural part of the States had their chief property in cattle, sheep, and horses, and salt was an absolute necessity. The tax, with the cost of transportation added, made an oppressive burden. In reply it was said each tax proposed would fall heavily upon some part of the country, but that in the final estimate the States would be found upon the same footing. Members of the House were urged to forget their local prejudices, and unite in a measure necessary for the success of the government.

On beer and candles

Other duties which were adopted were eight cents a gallon on beer and a duty on candles, both for protection. There was objection from the South to the tax on steel, since that was believed to be a tax on agriculture; and since not enough was produced in the country to supply its needs, but fifty-six cents a ton was agreed to, on the representation of the Pennsylvania members that that State alone would soon be able to supply the needs of the Union. Spikes, nails, tacks, and brads were supposed to be non-dutiable articles; but after striking out the two last named, the small duty of one cent a pound on the others was agreed to, largely to encourage the domestic manufacture

On steel and nails

of these articles which had long flourished in New England. 1789 April–June

Another argument advanced by Fisher Ames was of great weight. Interstate commerce was a new thing. The States had heretofore depended upon Britain; they were now to be brought to buy from each other what they had long purchased from England. A small duty would conduce to this end, and provide the encouragement necessary to foster manufactures in their elementary condition. Taxes on manufactured tobacco, on window and other glass, on paper and blank books, and on wool cards, were proposed, chiefly to protect and foster their manufacture. The East-Indian trade had been opened successfully, and many vessels from Salem, New York, and Philadelphia were engaged in it. They took American products, and exchanged them on the way or carried them direct to China; receiving tea principally in return, though other Chinese products were imported. To foster this trade, a discriminating duty was allowed in favor of vessels of the United States.

Protection to infant industries

Oriental trade

About the first of June the House had disposed of the tariff bill, and began a discussion of tonnage duties. Here the question as to whether a discrimination should be made in favor of nations having commercial treaties with the United States was the principal ground of contention, and involved the whole theory of discrimination. The nations having such treaties were France, Prussia, Sweden, and Holland; but the greater part of the foreign trade fell to England. Having fixed a

Discriminating tonnage duties

1789 June

Discriminating tonnage duties

Southern protest

Madison favors it

tonnage of six cents on American vessels, the opinions as to a proper duty on those of other nations varied from sixty cents in New England, thirty cents in the Middle States, to twenty in the South. The proposed high duty would tend to stimulate to immediate activity the shipbuilding industry, neglected since the war, and would furnish constant occupation for the allied trades. On the other hand, the Southern members urged that they were dependent on foreign shipping for their transportation; that the tax would not help matters, since New England and the Middle States had not enough vessels to carry their own products, and the heavy tax proposed would ruin the Southern planter by depriving him of the opportunity of marketing his goods. Nor was it unlikely that foreign nations would add to the restrictions already existing upon American commerce, by other and retaliatory measures.

In reply, Madison summed up what he believed to be the chief advantages of discrimination. The sentiment of the public favored it. Of the nations which already had commercial treaties with the United States, one had relaxed commercial restrictions, due to the desire to reciprocate favors. British control of American trade, from long possession of it and from similarity of language and habits, was far greater than other circumstances would warrant; and this ascendency should in some way be decreased for the benefit of the nations which had made commercial treaties, that these nations might see the direct political and

commercial advantages to be derived from such an alliance. As a final link in the chain of his reasoning, he made much of the encouragement of American shipping, since these American merchant vessels would in time of peace form a school for seamen, the foundation of a navy which in time of war would defend the towns and cities and protect the coast. From this consideration alone the measure should be adopted. The parts of the country protesting most strongly against the bill were those which would find most need for defense in time of war. The duty was finally fixed at thirty cents a ton for vessels of nations in alliance and fifty for those of other nations, with six for American vessels.

1789 June

Protected navy as school for seamen

The House proceeded to debate and in part undo the work done in Committee of the Whole. Boudinot thought that the entire scale was too high. The duty on spirits especially would lead to smuggling. Guards sufficient to prevent evasion of the duty would consume the whole income; and in any case the high duty would certainly diminish rather than increase the revenue. There was a tendency to discriminate in favor of allied nations in the tariff bill, as well as in tonnage, which was opposed because it looked too much like tribute paid to a friendly power. Madison in support of this discrimination said, "Let us show the world that we know how to discriminate between our commercial friends and our commercial enemies. Let us show that if a war breaks out in Europe and is extended to the West Indies, we can aid and

House objects to committee scale

succor the one and shut the other out of our ports. By these favors, without entering into the contest or violating the law of nations, we can give the most decided advantage to one or the other of the warring nations."

1789 June–July

Shortly after the discussion, the bill passed the House with the concurrence of many of the New England representatives, but not without some popular comment. It was said that certain merchants, members of the House, had delayed the bill until vessels which they owned might arrive; that merchants had marked up their goods according to the new rate, and were thus robbing their customers and contributing nothing to the Treasury. When the bill was returned to the House, there was some discussion, and a few minor changes before the measure was passed.

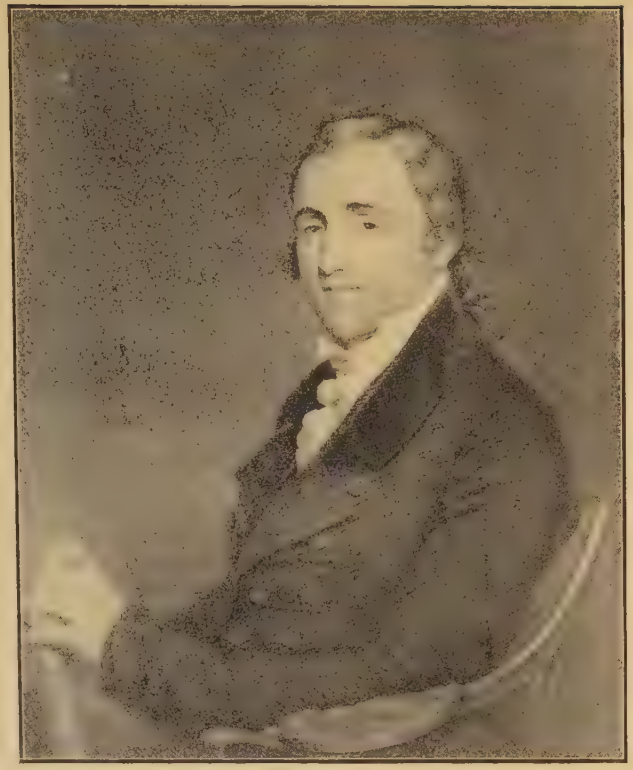
Tariff bill passes House

Becomes law July 4

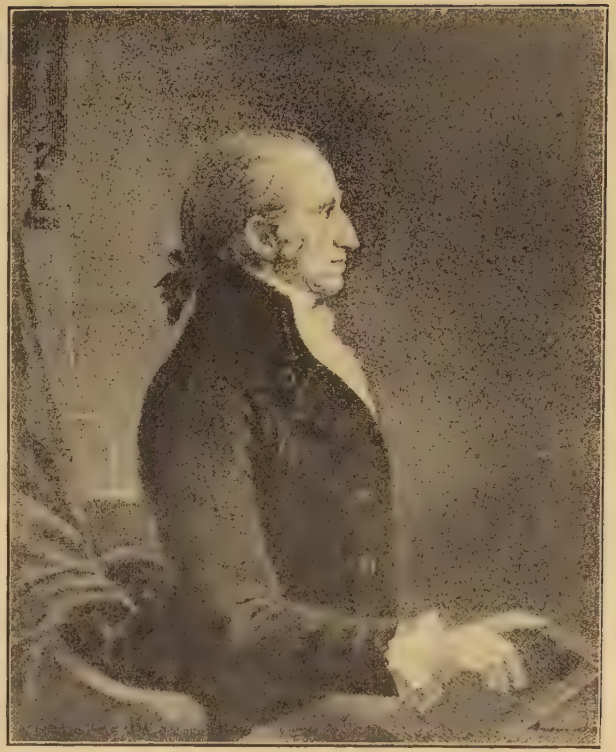
The Senators had not been false to the trust placed in them by the advocates of a lower tariff. General reductions were made, and reductions on particular articles, chiefly those for which a lower rate had been favored by the House. The form of the enacting clause, the duties on spirits, salt, molasses, cordage, steel, and the theory of discrimination, were the chief subjects of discussion. Members of the Lower House were much pleased by this action of the Senate. "The Senate, God bless them," said Fisher Ames, "as if designated by Providence to keep rash and frolicsome brats out of the fire, have abolished the absurd, impolitic, mad discrimination of foreigners in alliance from other foreigners." This action the House refused

Senate cuts down House duties

Abolishes discrimination



FISHER AMES OF MASSACHUSETTS.



JAMES JACKSON.

A FEDERALIST AND ANTI-FEDERALIST CHAMPION IN THE FIRST CONGRESS.

to allow, and committees of conference were appointed; but the bill finally passed with the understanding that the Senate would bring in a separate tonnage bill, in which discrimination should be a principal feature. When this was not done, another act passed the House, chiefly through the efforts of Madison: but the measure did not pass the Senate, which was opposed to anything tending to discourage British trade for the benefit of other foreign nations; and the men who were eventually to form the Democratic-Republican party, under the leadership of Jefferson, saw in this a confirmation of their fears that there was a strong faction, even at the centre of government, thus early committed to British interests.

1789 June–July

Senate refuses discrimination

Another subject of great import was debated during the discussion of the bill, but unfortunately was not followed to its logical conclusion. On the second reading Parker of Virginia proposed in the House a tax of ten dollars on each slave imported. All the States except Georgia had permanently or temporarily forbidden the slave trade; but to allow that Congress could tax the imported blacks might be the entering wedge for a prohibitive duty, which these Southern States affected to fear. Virginia, they said, was an old State and had an abundance of slaves. In the East, where people could do their own work, slavery was regarded as an odious institution. These two sections were willing to tax their Southern brethren for every comfort and luxury, and yet take away the means of procuring them. Sherman, repeating

Virginia proposal of slave tax

More Southern States object

1789 June-July

the argument he had used in the Constitutional Convention, could not reconcile himself to consider human beings as merchandise, and to have them scheduled as such. Ames, who detested slavery, hesitated to countenance or admit it by a bill which should recognize slaves as taxable. Madison, Bland, and Parker labored earnestly for the motion; but upon Madison's suggestion, Parker withdrew it after an agreement to submit a new bill for a duty on slaves. A committee was appointed to bring in a bill, but no report was ever made.

Slave-tax bill withdrawn

In addition to the tariff act, a bill was passed constituting the machinery by which the taxes were to be collected. Collection districts were mapped out. The largest ones were to have three officers: a collector, to superintend the entrance and clearance of vessels, and the collection of duties, and to have the appointment of certain inferior officers; a naval officer, to countersign all documents and serve as a check upon the collector; and a surveyor, whose deputies met incoming vessels and obtained manifests of their cargoes. Other acts provided for the registration of all American vessels; and for the support by the United States of light-houses, public piers, and beacons, provided the States granted to the government the lands upon which they were located. By these acts the revenue system was partly inaugurated, and funds provided with less friction and more success than had been thought possible.

Collection machinery

Other nationalizing measures

Some years were to pass before members of Congress were free from local prejudices and

1789 July

opinions; but this freedom was necessary if a lofty national spirit was to animate the government and the people. North and South persisted in discovering snares innumerable in every measure proposed. Madison suggested an amendment to the tariff bill, the effect of which was to limit the life of that measure. The proposition aroused a violent discussion, whereas in Madison's opinion it was so obviously necessary that he had foreseen no opposition at all. He urged that every revenue bill not limited in duration was likely to prove dangerous, to foster speculation, to be filled with temptations to those who administered the funds under its provisions. His opponents believed that it would be impossible to pay the debts by any limited bill; that since the United States was simply a government over governments, it might be difficult to get the revenue bill re-enacted; that the power of the purse might be used as a means of starving the national government into an ignominious surrender.

Madison wants revenue bill limited

Madison's opinion that the unlimited bill was not republican met with little favor in such quarters; as little favor as his further belief that the Executive and Senate might unite to prevent the repeal of such a bill. Madison, said they, had reckoned his wealth on paper and was alarmed at the amount of it. He was frightened by another evil, an excess of credit, and would go to the other extreme; forgetting that money is power and a permanent revenue is a permanent power, credit a safeguard of a government not too strong nor

Opposition from strong-government men

1789 June–July

too competent to preserve itself—a government weak, young, and opposed. The opposition believed that the revenue system was forced upon them by necessity, and that at a later period zeal for government might abate, factions might arise, and State interests dominate. Moreover, the question was no more than a play on words. A perpetual act might be amended, but the funds could not be taken away except by an act of Congress. A temporary act might expire, and there would be no crime in omitting to pass another. Upon a vote it appeared that the fears of the opposition were not shared by any members, for Madison's amendment was carried by a vote of forty-one to eight.

Life of revenue act

Made temporary

Some of the States had assented to the Constitution, trusting to the speedy adoption of the amendments which they deemed necessary to complete that instrument or to guard the rights of the citizen. Amendments had been suggested by several of the States, and early in June, Madison, the recognized leader of the administration in the House, proposed the subject; only to meet with decided but unexpected opposition, which was based upon the greater importance of other matters, and the statement that it would be time enough to amend the Constitution when a sufficient trial had revealed its defects. There was complaint of an attempt to restrict debate; and the definite amendments as proposed were denounced as meaningless, weak, and ill calculated to raise the Constitution in popular favor. There were debates also upon the position of the amendments,

Question of Constitutional amendments

1789 April–Sept.

and upon the principle of instructing representatives. A decided aversion was shown toward making any change in arrangement of the Constitution by inserting amendments. Jackson of Georgia could not see the Constitution patched up like Joseph's coat. The right to instruct representatives was admitted; but any proposition which would compel them to follow such instructions was resolutely condemned. The House finally agreed upon seventeen amendments, which the Senate by abridgment reduced to twelve. Two of those not adopted related to the salaries and numbers of the House of Representatives; the other ten, constituting "A Bill of Rights, protecting rights never in danger," were adopted by the States within two years after their proposal.

Question of Constitutional amendments

No subject discussed in the first session of Congress produced so many acrimonious remarks, so widened the breach between sections, or so affected the personal feeling of members, as the attempt to fix a permanent home for Congress; and the results of this first dispute were to be continued throughout the entire life of this Congress. The people of Pennsylvania were particularly anxious to secure this advantage for themselves, and members from that State in the House were urgent in their demands for a speedy decision. Already petitions had invited Congress to take up its abode at Trenton, Germantown, Carlisle, Reading, York, and Lancaster. The members who saw in the motion an attempt to rush this bill through Congress succeeded in delaying it for a short time;

Of a national capital

1789 Sept.

but it came up in September, and on the 3d a resolution was introduced fixing the permanent capital on the west bank of the Susquehanna in Pennsylvania, and providing further that until the new city was ready, the seat of government should be at New York. Wright's Ferry was suggested as a suitable place, since by the improvement of water-ways it might be connected with both Lake Ontario and the Ohio, the country about was thickly inhabited, and fishing was good. York was proposed, and the trout of Codorus Creek declared to be much finer than the fish of the Susquehanna. Congress had once sat at York, and there would doubtless be a feeling of home-coming if they transferred themselves to that place.

Proposals for national capital

In these proposals, Jackson of Georgia scented treason and dissolution. Action had been too precipitate, jealousies had got abroad, the coals of sedition would be blown to a white heat and disunion would result. If a section of the country could thus determine one part of the government, they might equally well determine any other. He asserted also that the proposed site on the Susquehanna was more than twice as far from Georgia as from Maine, a statement which was speedily denied. Those who favored the Potomac were told that the country was unhealthy, especially dangerous to Northern constitutions, and that the proposition to remove there would excite alarm in the North. Vining of Delaware had schooled his mind to any result. It mattered little to him "whether Congress tickled the trout on the stream

Sectional jealousies

of the Codorus, built their sumptuous palaces on the banks of the Potomac, or admired commerce with expanded wings on the bosom of the Delaware." So the matter went on, until even the patient Madison was moved to remark that if a prophet had arisen in the Virginia ratifying convention to foresee that day, the Old Dominion would not be a part of the Union. Ædanus Burke hinted at a corrupt conspiracy to rush the bill through Congress; but all opposition was in vain, and on September 27 it passed by a vote of 31 to 17.

1789 Sept.

House fixes capital on Susquehanna

When referred to the Senate, that body struck out all that referred to the Susquehanna, and inserted "a district ten miles square bounded by a line one mile from Philadelphia and on the east side of the Delaware," to include Germantown. Jackson saw "Richard in the Bush" again, since the Senate was not a representative of popular will but of the sovereignty of the States. The Senate bill was, however, a new measure, and the House refused to concur in it, nor would they agree to a postponement; but an amendment proposed by Madison respecting the process of law in the new district necessitated the return of the bill to the Senate, where, in the press of business of the closing days, it was forgotten.

Senate fixes it at Germantown

Bill let drop

Congress confirmed the ordinance of 1787, with provisions for the number of States to be made from the Northwest Territory, and that it should be forever a part of the United States. On the 28th of September the first session of the first

Ordinance of 1787 confirmed

1789 Sept.-Oct. Congress adjourned, to meet the 4th of the following January.

Washington here asked advice as to the propriety of a Presidential tour. This was generally approved, and a second reason was presented in the condition of his health, undermined by a serious illness early in July. Washington left New York about the middle of October for a tour through the New England States. Rhode Island, still outside the fold and apparently confirmed in her sulks, was passed by. The President went through the central part of Connecticut, then by the Worcester road to Boston. Everywhere he was greeted by genuine if demonstrative proofs of affection, expressed in the stilted language of the day. At Cambridge a thousand of the Middlesex militia, Colonel Tyler's light dragoons, and a number of the leading citizens of Boston, met the President, who changed his route to agree with the provisions made for entry "at the south part of the town, amidst the plaudits of an immense multitude of grateful, free, and loyal citizens."

Washington's New England tour

Great enthusiasm

While the bells rang out their joyous welcome, a procession was formed which attended him to the state-house. All Boston to the number of twenty thousand welcomed him. At night the public buildings and two French frigates in the harbor were illuminated, and fireworks were displayed on the principal streets. Here the ladies wore embroidered sashes in honor of his visit, and gloves of a peculiar form, some of which are yet treasured in New England households. And here

Reception at Boston

1789–90 Oct.–Jan.

Hancock and the Washington reception

too occurred the only unpleasant incident of the journey. John Hancock would not willingly be second to any man; and was averse, as governor of a State, to welcoming the man who was the elected servant of the States. Hancock pleaded gout, a chronic affliction, but of which public sentiment cured him in time to perform tardily the respect due the Chief of the United States.

Washington finishes his tour

Two companies of cavalry, with gentlemen of distinction in the Massachusetts towns, escorted him to Newburyport; where, somewhat stifled by the accompaniment of instrumental music and a battery of artillery, a choir of young gentlemen sang "The Hero Comes." Soon afterward he was at Portsmouth, where he was met by three companies of artillery and the citizens of the town arranged alphabetically by crafts. Here an excursion in the harbor was added to the usual form of entertainment. From Portsmouth the President went to Hartford by Exeter, and reached New York November 19, much improved in health and gratified by the heartiness of his reception.

Washington's second message

The second session of the first Congress commenced January 4. The President in his message, full of congratulation for the favorable aspects of the government, recommended to the attention of Congress provisions for defense, particularly against the Western and Southern Indians; for establishing diplomatic relations, uniform rules of naturalization, uniformity of currency, weights and measures, post-offices and post-roads; and the fostering of education either by aids to establish

1790

First Congress: second session, Jan. 4–Aug. 12

institutions of learning, or by the founding of a national university, or other methods, Congress to be the judge. Many acts of much importance which could not be considered in the first session were now proposed. The tariff was modified, and the act for collection changed in the light of the experience gained by its enforcement. A plan for the organization of the militia of the several states was presented by Secretary Knox; but since it proposed to require military service of all citizens between sixteen and sixty, Congress took no action upon it. A naturalization act was passed.

Census Act

Of great permanent importance was an act for the enumeration of the inhabitants of the United States, in which the census officers were to be the Federal Marshals. They were to distinguish free persons from those bound to service, and sexes and colors of free persons as well as males over 16. They were empowered to appoint as many assistants as might be needed in their respective districts. The count was to begin the first Monday in August, 1790, and to be concluded within nine months. Penalties were provided for false returns and for failure to send in returns properly. The pay for service was to be one dollar for every 150 persons residing in the country, and in towns one dollar for every 300 persons.

Hamilton's great financial report

By far the most important subject considered in the second session was Hamilton's report on finances. This remarkable young man of thirty-two had been preparing his plans for establishing the credit of the United States, and therewith

bringing about one of the chief ends of his political ambition, the strengthening of the United States government. His plans were not altogether new, but were supplemented by experience of the former Confederation and by sound principles of finance. After a brief statement of the benefits arising from a firm credit, and the disadvantages of credit unstable or impaired, the Secretary called attention to the results which had already followed the establishment of national confidence. Public securities had risen one-third from the preceding January to November, and since November fifty per cent. The measures to be proposed in accordance with the report were intended "to gratify and preserve the confidence of the most enlightened friends of good government, to promote the increasing respectability of the American name, to answer the calls of justice, to restore landed property to its due value, to furnish new resources both to agriculture and commerce, to cement more closely the union of the States, to add to their security against foreign attack, and to establish public order on the basis of an upright and liberal policy."

1790 Jan.

Hamilton on national finances

Object of measures

The national debt was estimated as follows:

National debt

The foreign debt,		$ 10,070,307.00
Interest at 4 per cent. and 5 per cent. to December, 1789,		1,640,071.62
Total,		$ 11,710,378.62
Domestic debt,		27,383,917.74
Interest to end of 1790,		13,030,168.20
Continental bills,		2,000,000.00
Total indebtedness		$ 54,124,464.56

1790 Jan.

Upon the nature and methods of payment of the debt, Hamilton advanced these propositions. The foreign debt should be paid, as far as possible, according to the precise terms of the contract under which it was incurred. Discussion would arise, therefore, only over the domestic debt. Here the chief point of difference was concerning the rights of the original and final holders respectively. Men who had served in the army or who had supplied the government had been paid in depreciated national currency. Further decline followed, and in their necessity, many of the first holders of the bills had disposed of them for a mere pittance, a small fraction of their value. Moreover, the final purchaser was too often the usurer, the broker, the stock-jobber, whose business it was to fatten upon the misfortunes of other people. These men had not been of the army, in many cases they had not contributed to its support, and they were now to enjoy the richest rewards.

Question of discrimination in paying national debt

Arguments for it

Upon the question of discrimination there was no doubt in Hamilton's mind. He condemned the notion at once as unjust, impolitic, highly injurious to the original holders, and ruinous to the public credit. The securities were promises to pay, and were assignable; hence to refuse payment to the holder was a breach of contract unlawful and unjust. This power to assign them was necessary to secure both seller and buyer, and the holder who had paid the market price was justly entitled to the exact fulfillment of the contract.

Hamilton against it

1790 Jan.

He had paid the current price and had assumed the risks. True, some of the original holders had been forced to sell their certificates, and their case was a hard one; yet their claim must be against the government rather than the holder of these securities. By no means all of the original owners had been obliged to sell; many of them had done so because they lacked confidence in the government. Another argument of some weight was furnished by the difficulty of determining some practical plan of discrimination; and finally, security of the right of transfer and necessity for confidence in the public funds would condemn strongly any plan other than the full payment to the last holders.

Hamilton against discrimination

Hamilton's plan did not distinguish between States as creditors and persons as creditors. He proposed a scheme for a just settlement of the accounts between the States and the general government, and an assumption of the State debts still unpaid; nor could he agree that the principal was the only important part of the public debt, a theory prevalent in some places, but held that the arrears of interest had claims of equal right.

Assumption: principal vs. accrued interest

The domestic debt consisted of loans originally payable at fixed periods then long past, but deferred by general consent of the creditors; who preferred their principal to remain at interest for an indefinite period rather than receive it at the appointed time in the form of greatly depreciated paper. Another part was made up of the warrants issued for supplies which should have been paid

Classes of domestic debt

1790 Jan.

Domestic national debt

for when received; warrants which did not contract to pay interest, but which had by various acts been transformed into a capital bearing six per cent.; but with no definite period of redemption. It appeared therefore that the debt might be considered as an annuity at six per cent., redeemable solely at the discretion of the government so long as the interest was paid promptly. The holders of the debt had the right to expect an immediate payment of the interest then due, and no further proposition could be made than to imply a new contract. Finally Hamilton submitted these three propositions: First, that there should be no discrimination in favor of the original holders of the debt; second, that the debts of the States should be assumed; and third, that arrears of interest should be provided for on a footing with the original debt. The debts of the States could not be ascertained with exactness, but were estimated to be about $25,000,000, though but $21,500,000 were actually assumed.

Hamilton's propositions

Upon due consideration of the condition of the country, and the amount of money that might be raised by taxation without burdening the citizens, Hamilton proposed a loan payable wholly in the debt and interest to its full amount, and an additional loan of $10,000,000 to be paid half in specie and half in the debt. Both of these measures offered to investors the privilege of investing a part of their capital in annuities at varying rates, or a part in public lands. By these various plans, the greatest possible number of creditors

Loans

might be led to consent to the propositions of the Secretary, and the income of the United States be made larger than the expenditures. Hamilton did not believe that a national debt was a national blessing, and agreed that any plan which proposed to create a debt should provide also for the payment of it. To this liquidation he would devote a part of the revenue from the post-office, and authorize commissioners to borrow $12,000,000, to be used in buying up public securities in the open market as long as they sold below the par value. These were the important features of the plan, which at once re-established the broken credit of the United States.

1790 Jan.

Liquidation of national debt

Hamilton's plan welcomed

The extent and comprehensiveness of the report, and the strong probabilities of its success, affected the people like any other unexpected good fortune. To the proposition to pay the foreign debt in full and as speedily as possible there was no objection; nor was there in respect to the domestic debt, except upon the relative rights of the first and last holders of public securities. The proposal to assume the State debts led to one of the most serious divisions in the first Congress, and contributed not a little to the formation of political parties.

Except non-discrimination and assumption

Those who believed that more was due to the foreign creditor than to the citizen who held government obligations, based their opinions upon the fact that the citizen had benefited by the use and should be willing to pay something for that advantage. Provisions and other articles sold to the

Foreign vs. domestic creditors

1790 Jan.–Feb.

government had brought high prices; the government did not get the value of a dollar, and was not under obligation to pay for more than it received. But to this there was the unanswerable reply that the government had contracted to pay the face value of the notes, and could not otherwise have obtained the goods, and that withholding part of the payment was simple theft; that the credit of the government and the confidence of the people demanded that these promises be kept to the letter.

National debt against discrimination

In that case, said the opponents of the plan, the public creditor became the most fortunate of capitalists. Those who had loaned money to individuals before and during the war had lost part of their capital, some of them as much as three-fourths; but the public creditor would receive $160 for his $100, and investing it in public funds at three and four per cent., would find it far more productive than any other investment. People who had held real property had lost much of it by taxes and from other causes, but the public creditor had passed through the confusion of the Revolution with his property not only unimpaired but enormously accumulated. Three or four per cent. should be enough interest.

For it

Sherman admitted the right of Congress to make contracts, but contended that they had no right to violate, alter, or abolish, but must fulfill them exactly. Other members on both sides urged the dangers to the Union by delay.

Against it

On February 11 Madison explained at length his plan of discrimination, and the reasons for it.

1790 Jan.–Feb.

The present situation he considered to be so extraordinary that the usual laws and maxims would not apply to it. The fluctuations of stocks in foreign countries could have no relation to this situation. England had interfered in the collapse of the South Sea Bubble without any injury to the national credit. Madison's original proposition, which he now amended, proposed to pay actual holders the highest market value of the securities; while the balance was to be paid, in proper proportion, to the original holders. There were many cases, it was objected, where it would be impossible to determine the original holders, and the proposition moreover would discredit the party who had made the sale. The adopting of the motion would, moreover, immediately lower the market price of the securities. Much was made, by those who favored Madison's proposition, of the fact that the other plan gave greatest benefits to speculators who had bought public securities, and some of whom at or near the seat of government were then dispatching pilot-boats and other swift-sailing vessels to the ports of the Southern States to buy up all government paper they could lay their hands on. On February 22 a vote on Madison's suggestion resulted in a defeat by a vote of 13 to 36.

Madison proposes discrimination

Defeated

The following day the subject of the assumption of State debts was considered. In Hamilton's opinion, the question of debts was one which tended to set the States against the government; without assumption, the great work of establishing a strong central government would probably never be

Assumption of State debts

1790 Jan.–Feb.

completed. From another standpoint also, he argued that assumption was simple justice. The debts were incurred in the war, for the common protection and the common good; therefore justice demanded that the citizens should unite in paying them.

Argument for assumption

This argument had a pleasing sound, and a ring of stern justice to it; but according to the opposition, there were several things to consider. Assumption in 1790 was a different thing from assumption in 1783. What had the States done in the seven years to pay their debts to the general government? How had they complied with the requisitions of Congress during and after the war? Moreover, was it possible to ascertain within a reasonable time the amounts that the States still owed? To assume the debts would be to tax the punctual States for the benefit of the laggards.

Invalidated by time

Injustice to payers

Three States, South Carolina, Connecticut, and Massachusetts, owed more than half of the State debts, and were therefore strong advocates of assumption. Others, like New Hampshire and Virginia, were not much in debt and therefore opposed. Livermore of New Hampshire, who opened the debate, protested that neither the creditors of the States nor the States themselves had asked for the measure, and that the merits and amounts of the debts were unknown. Ames and Sherman favored the plan because they believed it would render unnecessary some of the conflicting revenue laws of the States, and relieve them of a great burden, besides putting all public creditors

Opposing interests

on the same footing. Stone of Maryland did not believe that State debts were debts of the United States, and doubted whether Congress might constitutionally legislate to pay them. 1790 Feb.–March

Burke of Georgia, who had at last found something to which he could agree, was in favor of assumption, and thought the debt of his State had been contracted for the general welfare of the Union; but he objected to such haste in the matter. It had been represented that when the domestic debt was funded, the States would be deprived of some of their most fertile sources of revenue and perhaps the creditors of the States go unsatisfied, although their claims were as much entitled to consideration as those against the United States. The aim of all the arguments recently advanced for assumption, said Heister, are directed rather to the feelings, instead of the reason. Fitzsimmons believed that the chief source of objection had been carefully kept out of view; this was the inequalities which would arise from assumption. Madison emphasized somewhat later the great injustice to the States which had already discharged the greater part of the debt, and would now be compelled to contribute to the debts of those States who had neglected their contributions. Arguments against assumption

On the 1st of March Jackson made a long speech, in which he asserted that the States had requested no such action, and some had opposed it very decidedly. Nor had individuals made any request for it; therefore he could see no valid objection to postponement. Much as he admired the

1790 March–April

Secretary of the Treasury, he would not think him infallible. Ambition for the Union might lead him too far, and evidently he had one or both results in mind: either to make the plan an additional ligature to the continent by detaching the creditors from the State governments, or, by the pretext of relieving the States, to remove from them the power of taxation and centre it in the general government. The general government, he said, could not afford to pay for the balloon exploits of the States, like the Penobscot expedition of Massachusetts or the arming of the frigate *South Carolina*.

Arguments against assumption

The battle raged for three weeks, when the committee of the whole reported a series of resolutions. On March 13, one of these, carried by a majority of five, favored assumption. March 29 the discussion was resumed in the House: but in the mean time North Carolina, which had ratified the Constitution the preceding November, had held her elections and sent to Congress her representatives, all of whom were opposed to assumption; and a motion to recommit was carried by a majority of two. Thereupon the funding bill was also recommitted; and the discussion continued until April 12, when assumption was defeated by a majority of two, the vote being 29 to 31. The assumptionists now began a policy of obstruction, refusing to consider any supply bills or the funding measure until they should have their way about assumption. Nor was such a result unforeseen. Early in January, less than a week after

Carried in Committee of the Whole

Lost in the House

Congress met, Fisher Ames predicted that the assumption bill would be the serious business of the Congress.

1790 April-May

Some doubts upon the fate of the report had interrupted the steady rise of stocks, which fluctuated between eight and ten shillings in the pound. Members complained that with all the information the plans of Hamilton were not understood. Moreover, the delay was causing stock-jobbing tricks like those of England, of which the people had often heard but which they had never seen. That self-constituted critic and democratic censor of the new government, William Maclay, asserted that a committee of speculators could not have framed a measure more to their own advantage. Constable, the partner of Robert Morris, had bought $40,000 worth of securities, and even General Heister had invested; Hawkins of North Carolina had met on his way north two express boats laden with money for investment; Wadsworth had sent off two small vessels on a like errand; the Western settlements were being explored for securities. Congressmen were deeper in the business than any one else; and while the blame was laid on Duer and his intimates, the *deus ex machina* was doubtless the Secretary himself. March 8 the Philadelphians dined together; and it was said that a vote would have been taken that day but for the arrival of Vining of Delaware, whose opinions were as yet unformed and whom the Secretary must interview. Officers of the government, clergy, citizens, the Cincinnati, and every

Results of delay in assumption

Charges of interested motives

1790 April–June

one under the influence of the Treasury, united to pass the bill.

After the failure of April 12 the assumptionists determined that the contest should not end there. In the North and East that party was strong, while in the South there was an equally strong opposition. Early in June David Stuart wrote Washington that public opinion, which was aroused to hostility toward the government by what was considered to be the unwarranted debate on, and opinions expressed in the petition for, the abolition of slavery, was still further affected by the proposed assumption. They saw in it a proof of their former apprehensions, and a tendency on the part of the government to grasp at power through unwarrantable constructions of the Constitution. Moreover, speculators had been through the State buying up the securities, and the selfishness of the plan thus revealed was another reason for public disfavor.

Wavering public sentiment on assumption

Pennsylvania was the doubtful State. The delegation of that State was divided; five of the eight Congressmen favoring assumption, the others being opposed. On March 5 Tench Coxe, than whom there was no better judge, wrote Hamilton that the public creditors opposed assumption; and the men who had opposed the Constitution because of its centralizing tendencies, saw in assumption a confirmation of their fears. On the 9th of July, however, he found that assumption had gained considerably, and was likely to gain more since its supporters believed and urged upon others that it

Pennsylvania

1790 June et seq.

was an essential part of any satisfactory funding system.

In addition to these arguments there was the bait, tempting to the Pennsylvania men, of the location of the capital. Here again Maclay scented a bargain as early as June 14, when he heard that Pennsylvania was to be made the permanent seat of government in return for votes sufficient to pass the assumption bill. Hamilton, in a conversation with Morris which Maclay reports, had promised to favor Germantown or the banks of the Delaware, provided five votes in the House and one in the Senate were secured for assumption. These negotiations failing, Georgetown was again talked of; but it was finally agreed that for fifteen years the seat of the government should be at Philadelphia, and thereafter on the Potomac, as the price of the death of assumption. This bargain became known, and the assumptionists succeeded in striking out Philadelphia and substituting Baltimore, thus defeating the main purpose of the bill; but a retaliating measure changed the funding bill and produced a deadlock. Nor was this the end; the Northern friends of assumption grew most serious in their defense of the measure, and drew dark-colored pictures of the evil which would result from a defeat,—predicting, as was the custom with both parties, nothing less than a speedy dissolution of the Union.

National capital the price of assumption

Bargain defeated

Deadlock

Then an event happened, insignificant in itself, which contributed not a little to the formation of parties and the development of party feeling.

1790 July Aug.

Jefferson told the story some time afterward, when the full consequences real and imagined might be traced to what he believed to be their source.

Jefferson on the Assumption-Capital log-roll

"Hamilton's financial system had been passed. This game [funding] was over, and another on the carpet at the moment of my arrival, and to this I was most ignorantly and innocently made to hold the candle. The great and trying question, however, was lost in the House of Representatives. So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing anything, the parties being too much out of temper to do business together. The Eastern members particularly—who, with Smith and South Carolina, were the principal gamblers in these scenes—threatened a secession and dissolution.

"Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backwards and forwards before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought, the disgust of those who were called the creditor States, the danger of the secession of their members and the separation of the States. He observed that the members of the administration ought to act in concert; that though this question was not of my department, yet a common duty should make it a common concern; that the President was the centre on which all administrative questions ultimately rested, and that all of us should rally around him and support with joint efforts measures approved by him; and that the question having been lost by a small majority only, it was probable that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote, and the machine of government, now suspended, might be again set in motion. I told him that I was really a stranger to the whole subject. I proposed to him, however, to dine with me the next day and I would invite another friend or two, bring them into conference together; and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the Union.

"The discussion took place. I could take no part in it but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed, that whatever importance had been attached to the rejection of this proposition, the preservation of the Union and of concord among the States was more important; and that therefore it would be better that the vote of rejection should be rescinded, to effect which, some members should change their votes. But it was observed that this pill would be peculiarly bitter to the Southern States, and that some concomitant measure should be adopted, to sweeten it a little to them. There had before been propositions to fix the seat of government either at Philadelphia, or at Georgetown on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive) agreed to change their vote, and Hamilton undertook the other point. In doing this, the influence he had established over the Eastern members, with the agency of Robert Morris with those of the Middle States, effected his side of the engagement; and so the Assumption was passed, and twenty millions of stock divided among favored States, and thrown in as a pabulum to the stock-jobbing herd. This added to the number of votaries of the Treasury, and made its chief the master of every vote in the legislature which might give to the government the direction suited to his political views."

1790 July–Aug.

Jefferson alleges himself duped by Hamilton

To the end of his life Jefferson asserted that he had been tricked into the agreement, and made to approve a plan which was entirely antagonistic to his favorite theories. Sincerely attached to the Union and moved by the argument asserting the duty of loyalty to the administration, and above all not realizing that assumption meant much more than the payment of State debts, Jefferson did not

understand until too late the consequences of his mediation.

1770 July–Aug.

The bill determining the location of the national capital provided for a district ten miles square to be located on the Potomac, and for three commissioners to be appointed by the President to survey the ground and appraise private buildings. Congress was to remove to Philadelphia in December of 1790, and ten years thereafter the government was to be moved to the new Federal City. On the 4th of August the act for the payment of the public debt was approved, and soon afterward $1,000,000 was appropriated for that purpose. This disbursement had the effect of raising prices and restoring credit, of strengthening the government in the eyes of the citizens, and putting them in a good humor.

The Federal District

Throughout the South there was a general dislike of assumption, and in the North objection to the removal of the capital. Squibs, lampoons, and editorials jeered at it, and hinted at corruption, charging the Pennsylvania delegation particularly with venality. New York had spent a large sum to accommodate Congress in a fitting manner, and the only show of gratitude was desertion. Robert Morris received an undue share of popular abuse, and it was proposed to erect a monument to the President, to commemorate the inflexible justice and distinguished gratitude shown to the city of New York by his approval of the unconstitutional residence bill. North Carolina passed a series of resolutions condemning the assumption; Maryland failed to do so by but one vote; and Virginia

Much hostility to the log-roll

1790

through her Assembly criticised those features of the bill which in any way limited the rights of the United States in the redemption of the debt, and declared assumption of the State debts to be repugnant to the Constitution, since it was the exercise of power not expressly granted to the general government. These resolutions were regarded by Hamilton as evidences of a spirit which would eventually kill the Constitution, and he proposed to Jay to employ the collective strength of the different parts of the government to explode the principles advocated. This, we shall see, was Hamilton's plan for strengthening the government: to push his measures to the utmost limit and back them up by the whole strength of the nation, then, when public agitation had in a measure subsided, to take another advanced step.

Criticism of assumption

Hamilton's political method

In New England these resolutions produced little effect, though the danger of passing them over was recognized by the Federalists. The United States was prosperous and for the most part contented. Men's mouths had been stopped, said Fisher Ames, by an abundance of white bread and roast meat. There was even a scarcity of grievances and complaints.

Prosperity favors Federalists

Feeling in the South was further aggravated by a debate upon a petition presented February 11, 1790, by the Yearly Meeting of the Quakers of Pennsylvania, New Jersey, Delaware, Western Maryland, and Virginia, praying for the abolition of the slave trade. The following day a petition from the Abolition Society of Pennsylvania signed

Petition against slave trade

1790 Feb. et seq.

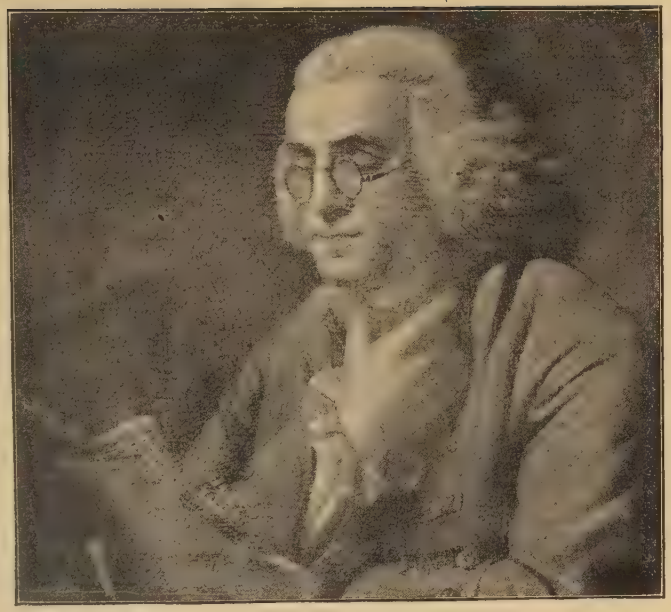
by Franklin, its president—the last public service of that great patriot and genius, who died the ensuing April 17,—was brought before Congress; and a petition referred to the Legislature of New York, but held by them to be a matter for disposition by general government, was discussed. The debate was acrimonious from the start. The motives of the Quakers were questioned, their morality referred to as excessive saintliness for effect, and a general desire to begin a movement of emancipation was charged. Slavery was supported as a system by examples of its use among the peoples of the Ancient World, and the sanction of Holy Writ was given to it. But the strongest argument was the fact that the Constitution had recognized the system and was in duty bound to protect it. Madison, among others, urged a discussion with a view to establishing a general basis for the consideration of slavery in connection with the western lands; and called attention to the fact that the Constitution prohibited the closing of the slave trade before 1808, but permitted a tax, and if a tax, why not a regulation in the interests of humanity? But for the most part the South saw abolition in the petitions, and fell back upon the Constitution. We knew each other's weaknesses when the Constitution was adopted, said one Southern member. You of the North accepted the South with the slaves; the South accepted the North with the Quakers: and each side should be satisfied with its bargain. The report of the Committee of the House denied authority in Congress

Quakers denounced for opposing slave trade

Madison for regulating slavery

South generally against interference

Congress denies jurisdiction



BENJAMIN FRANKLIN.
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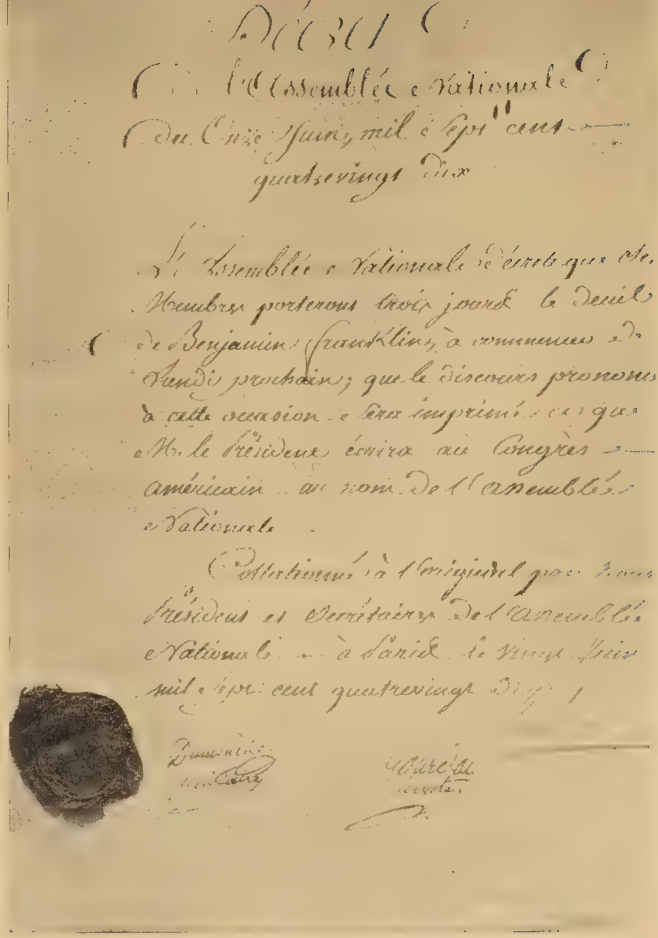


NOTIFICATION FROM THE FRENCH NATIONAL ASSEMBLY, ON FRANKLIN'S DEATH.

1784-9

to interfere to produce emancipation, or to affect the treatment of the slaves within the States, but asserted the right to restrain the slave trade and provide for its more humane management.

The north-western posts

It will be remembered that the provision of the treaty between the United States and England which provided for a return of the western posts had not been kept; and that the English had been accused repeatedly of inviting the Indians to hostility and open violation of the treaties which they had made with the United States. The Iroquois, at the treaty of Fort Stanwix in 1784, had given up all claim to the lands west of New York and Pennsylvania over which they had once exercised control. In 1785 a treaty signed at Fort McIntosh, with the Wyandot, Delaware, Chippewa, and Ottawa nations, secured from them the recognition of the United States as their protector, to the exclusion of all other powers, and fixed the limits of the lands reserved for the Delawares and Wyandots; and a similar treaty signed at Fort Finney in 1786 fixed the limits of the Shawnees' lands. These treaties were renewed and confirmed at Fort Harmar in 1789, but with many of the Western tribes no agreement had been made, nor was any probable until British influences were removed.

Indian treaties and land cessions

Indians incited by English

In the spring of 1789 there were many tales of Indian outrages reported in the East; and the English were accused of granting lands within the limits of the United States, and encouraging the natives in their hostile attitude toward that nation, to such an extent that it was impossible to make

1788-90

a satisfactory treaty with the hostile tribes, who insisted upon the Ohio as a boundary between themselves and the whites. Early in 1788 General Arthur St. Clair, a Scotchman by birth but who had been in America since 1755, was appointed governor of the Northwest Territory; and was directed by his first instructions to examine carefully the temper of the Indians, to remove causes of controversy, to establish peace and harmony, to regulate trade, and to endeavor as speedily as possible to extinguish the Indian title as far west as the Mississippi and north to the forty-first parallel. He was to make the acquaintance of the head men and attach them to the cause of the United States, and to defeat if possible all confederations and combinations.

St. Clair's herculean commission

Before he could begin on the execution of this comprehensive but impossible plan, the Indians became active; and on June 15, 1789, General Knox reported that since the United States had not been able to make a treaty with the Wabash Indians, a state of war existed along the frontier, and added that outrages and murders had been so reciprocal that it would require a critical investigation to determine which side had been the worst offender. The following September, General St. Clair wrote that the government of the Territory was embarrassed by the attitude of the people of Kentucky toward the Wabash Indians, and asked for orders; and on the 29th of the same month the President was empowered to call out the militia for the defense of the frontiers. In 1790 St. Clair descended

Indian atrocities swelling into war

Militia called out

the Ohio from Marietta to Losantiville, which he presently rechristened Cincinnati, laid out Hamilton County and appointed magistrates. Soon afterward the Illinois country was visited, titles were confirmed and the government organized. 1790

From Vincennes a messenger, Antoine Gamelin, was sent to the Wabash Indians, the Piankeshaws, Kickapoos, Ouiatenons, Miamis, Shawnees, Weas, and Delawares, bearing letters from the governor which were intended to pave the way for a treaty of peace. In reply the Indians professed to be pleased with the contents of the letters, though they expressed a mild surprise that no gifts supplemented the messages; but they would make no promises, and there were many indications of an understanding between the Indians and the British. Soon afterward it was reported that some of the tribes had started their marauding expeditions anew, whereupon St. Clair returned to Fort Washington, leaving Winthrop Sargent, the secretary of the Territory, at Vincennes, to appoint officers, revise land titles, and organize the militia. Vain efforts of St. Clair at Indian peace

At Fort Washington St. Clair consulted with General Harmar, who commanded the regular troops within the Territory; and in accordance with orders from the seat of government, prepared to lead a force against the Northwestern Indians which should put an end to their raids. Harmar estimated the regulars at about 500 effective men, and to these were to be added the militia from Western Pennsylvania and Kentucky. Two expeditions were planned: one from Vincennes Plans campaign with Harmar

1790 Sept. where Major Hamtramck commanded, against the Indian towns upon the Wabash; the other force was to start from Fort Washington and move against the Miami Indians. The militia were to proceed to Fort Washington by the 15th of September, but it was not until the end of that month that a force of 1100 militia and 300 regulars were ready to begin their march. Meanwhile St. Clair had sent a letter to the British commander at Detroit, explaining the purpose of the expedition and expressing friendly sentiments toward the English.

Militia gather at Fort Washington

The militiamen who gathered at the mouth of the Licking were a motley lot of adventurers, "rascals who could no longer remain unhung in any other way," in the language of one critic; men who could be tempted by the munificent reward of two dollars and ten cents a month, which the government then paid to its defenders. There were, however, two other classes which in their own rough undisciplined way made good soldiers. The trapper and hunter, the backwoodsman, were the deadly foe of the Indian; these men protected their settlements and their families, and waged unceasing war against the natives. To them may be added a class of adventurers to whom the Western life and warfare appealed, and the danger added zest and interest.

Disreputable character

Better elements

The expedition was badly equipped, the arms unfit for service, the militia untrained and undisciplined. More than a fortnight was spent in repairing these errors as well as might be; and on the

Poor outlook

FORT WASHINGTON, OHIO.
(Site of Cincinnati.)

1790 Sept.–Oct.

26th the militia under Colonel Hardin began the march, to be followed on the 30th by the regulars. On the 3d day of October, Harmar took command of the combined forces. From the narrative of Captain John Armstrong it appears that the Shawnee town of Chillicothe was reached on the 6th. There the troops crossed the Great Miami, and Hardin was sent ahead with a company of regulars and 600 militia to surprise the Indian towns. The natives had been warned, and only deserted homes were found when the army reached the site,—the juncture of the St. Joseph and St. Mary's rivers, near the present city of Fort Wayne, Indiana. The town was occupied; orchards, gardens, and a great quantity of corn were destroyed, and the huts burned. An expedition under Colonel Trotter wandered about in the forest and killed two Indians returning at nightfall to camp.

Harmar's expedition starts

Indians keep out of the way

The following day Colonel Hardin was sent with a party to devastate the surrounding country; accompanying him was Captain Armstrong with thirty regulars. About fifteen miles west of the Miami village, they came upon a party of almost a hundred Indians, and at the first fire the militia broke in confusion; some threw away their arms, and others by their disorderly flight broke the formation of the small company of regulars. These fought bravely, but lost most of their number in the battle. The captain escaped by hiding in a swamp thickly brush-grown, where he was a witness to the exultation of the savages over the

Then rout Hardin's company

1790 Oct.-Nov.

bodies of their victims. In this skirmish about one hundred men were killed.

The army then fell back to Chillicothe, completed their work of destruction, and because of a well-founded distrust of the militia, began on the 21st of October the retreat to Fort Washington.

Harmar's troops start to return

That night Colonel Hardin begged for a detachment of troops, and permission to make another attack on the Miami towns; expecting that the warriors would return as soon as the troops had left, and hoping to surprise them. In the main assumption he was correct; but under his system, and with the watchfulness of the Indians, a surprise was not likely. Moreover, his detachment was too small to make thorough work of such an attack had the surprise been complete. With 340 militia and 60 regulars under Major Wyllys, the march was taken up in three divisions to the Indian village. But small bands of Indians attracted the attention of the volunteers, who broke their ranks in pursuit. A chance shot revealed the presence of the regular troops, who were at once attacked by an overwhelming force, and were obliged to retreat with the loss of their commander. Major Fontaine, who led the militia, was killed, and the survivors of his band speedily retreated to the protection of the main body.

Hardin again tries an attack

Again defeated

Hardin again appealed for forces to make another attack, but Harmar refused. Many of his horses had been stolen or lost, the regular troops had suffered severely, the militia were undisciplined and disorderly, and to remain longer

Harmar refuses a third attempt

1790 Nov., etc.

or attempt another surprise would be to risk the entire force. On the 4th of November the commander was back at Fort Washington, congratulating himself that the results were no worse; but besides the destruction of the village and supplies, the losses of the Indians had been little greater than those of the whites. The invasion seemed to quiet them for a time, but it was not long until the attacks upon the settlements were renewed with the same persistence as before. In the mean time Major Hamtramck had led his expedition from Vincennes, but had found only a few deserted villages, which he destroyed. But few Indians were seen, and throughout the march there had been no serious opposition feared or threatened.

Harmar returns without glory

Relations with the southern tribes were hardly more satisfactory than with those in the North. Four powerful nations claimed the lands: the Chickasaws on the upper Yazoo, the Choctaws about the headwaters of the Pearl, the Creeks and Cherokees who came in contact with the settlements located within the limits of the present States of Tennessee, South Carolina, and Georgia. There were also various disputed agreements and undefined claims, which added to the difficulties of a situation already complicated.

The great Southern nations

The treaties of Hopewell in 1786 defined the boundaries of the Indian lands; but to these provisions the settlers paid little heed—so little that a war resulted in 1787. Indian relations were left to the general government by the articles of Confederation; and Congress prepared to support the

Indians vs. settlers

1763–87

natives in their rights, but finally decided to suspend action pending the reorganization under the Constitution, and the adoption of a definite Indian policy. It was not long until a deputation of Cherokee chieftains visited New York, to secure a confirmation of the previous boundaries as defined by the treaties. North Carolina had not yet ratified the Constitution; and as her rights were involved, it was thought best to defer action, although the chiefs were led to believe that full justice would be done them and that their grievances would be righted.

Cherokees at New York

It will be remembered that the country on the east bank of the Mississippi, and immediately adjoining that river, had been withdrawn from the jurisdiction of the colonies by the British Crown after the peace of 1763. The government of the United States claimed the reversion of the rights of the Crown by the treaty of 1783. The States claimed the land, and Spain denied the right of Great Britain to dispose of any territory south of 32° 30′. South Carolina gave up her claims in 1787; and Georgia offered to yield her pretensions below 32° 30′ provided the remainder were guaranteed to her, an offer which the government promptly declined.

Triplicate dispute over Mississippi lands

Excellent opportunity for enrichment from the Indian trade, and possibilities of rich rewards from agriculture, led to several attempts to secure large tracts of land in this favored region. A company was formed in 1785 by several leading citizens of South Carolina and Georgia, known as

Companies formed to exploit them

1785–9

Yazoo land companies

the South Carolina Yazoo Company, which secured a former deed made by the Choctaws conveying a large territory about the mouth of the Yazoo River, and applied to the State of Georgia for a grant of land which they hoped to colonize speedily from Kentucky. By December 1789 the project was well advanced, together with the plans of other companies which had been formed to secure a share of the expected profits. In 1789 Patrick Henry and several other prominent Virginians became interested in the lands west of Georgia, as a place for advantageous settlement of emigrants from the East and North, provided the Mississippi should be thrown open to the people of the United States. The Virginia Yazoo Company was formed, and after a failure to combine with the South Carolina Company, applied for and obtained a grant of land from Georgia. The source of the Tennessee Company was in the settlement at Muscle Shoals by Zachariah Cox in 1785.

Grants from Georgia

On the 21st of December, 1789, a bill passed the Georgia Legislature which granted to the South Carolina Company a 10,000,000-acre tract bounded by the Mississippi, the parallel of 33°, the Tombigbee, and a line drawn east from a point just above Natchez; to the Tennessee Company 4,000,000 acres were given; and to the Virginia Company 11,000,000 acres,—all the land claimed by Georgia west of Bear Creek and the Tombigbee and north of the parallel of 33°.

The South Carolina Company entered actively into the work of colonization. Its agent Dr.

1789-91

James O'Fallon, ex-soldier of the Revolution, made a trip to Kentucky in search of promised settlers, who had failed to appear. On the way he secured the approval and help of General McDonald of North Carolina, and John Sevier of "State of Franklin" fame; and in Kentucky he came under the influence of Wilkinson, whom he imitated unsuccessfully in the somewhat difficult task of serving two masters. For the success of the plan, Spanish neutrality at least was necessary; but O'Fallon went much further, and representing himself to be vested by the company with complete powers, conveyed the impression that the settlement would be Spanish in its interests and acts. "The colonists," he said, "would be the slaves of Spain" provided they might be allowed to exist under the semblance of a free state, as an independent colony on its own lands, with freedom of trade, liberty of conscience, and local self-government. The settlement would form a rampart for the Spanish colonies, and maintain eternally a reciprocal alliance for offense and defense.

O'Fallon as land company's "tout"

Tries to cajole Spain

It is not probable that Miro, the Spanish governor, was either deceived or seduced by this flowery rhetoric, except in so far as there were solid advantages to be obtained. He believed that Spain might herself colonize the lands, or permit the western intending settlers to do so as Spanish subjects, and was not disposed to become foster-parent to an American State during the period of its obstreperous infancy. Meanwhile the government of the United States, after two proclamations of a general

Without success

character explaining the rights of Indians and warning away intruders, issued another, March 19, 1791, referring to O'Fallon by name, and calling upon the officers of the United States to suppress any attempts to carry out his plans, and to bring all offenders to justice.

1791, Government warns off Yazoo agent

Meanwhile the company had not succeeded in completing the purchase. They had offered paper money; but by a law of 1790, all debts due the State of Georgia were to be paid in specie. The colonizing scheme having failed by reason of the proclamation, nothing more is heard of the company until it appears as plaintiff in the Supreme Court in 1796, in the case of Moultrie vs. Georgia. The Eleventh Amendment removed the case from jurisdiction of the courts; and petitions to Congress having no result, the matter was dropped finally in January 1804. The history of the Virginia Company is somewhat similar, except that the certificates which were refused when offered in payment for the grant increased so rapidly in value, that stockholders were more than content to have them rather than the lands. Settlement was actually begun by the Tennessee Company, but given up because of the hostility of the natives and the opposition of the government.

Yazoo companies' fortunes

The ordinance for the government of the Territory southwest of the Ohio passed Congress August 7, 1789. On the same day William Blount was commissioned as governor, and David Campbell and Joseph Anderson as judges. The new governor naturally set John Sevier and James

Southwest Territory organized

1789, etc.

Robertson over the troops in the new districts, and excited some comment by his care in providing for the Franklinites. Within the territory were many Indians, divided in their allegiance between the United States and Spain, with which they came constantly in contact in the Southern posts. This state of affairs contributed to the prominence and advantage of one of the noted men among the Southern tribes.

Southern Indian tribes

The head man of the Creeks was Alexander McGillivray, the offspring of a romantic marriage between the son of a Scotch trader and the daughter of a Creek chieftain. At the outbreak of the Revolution the elder McGillivray followed the royalist standard, and had in consequence been banished and suffered the loss of his property. The son found refuge among his mother's people, where his education and remarkable talents soon gave him a commanding position. Between 1783 and 1787 three treaties had been made, by which the State of Georgia claimed the land west and south of the Oconee. But the bulk of the Indians had been friends of the British during the war; and they now insisted that these agreements had been made with a small number of the chiefs who were favorable to the Georgians, and refused to confirm the treaties or even admit their validity. In two instances there is evidence to support the claims of the Creeks, which were possibly as well founded in the matter of the third treaty. Moreover, the State under the Articles of Confederation had no power to make treaties upon its own

McGillivray the Creek chief

Creek treaties

Disowned

account; nevertheless the disputed tract was put on sale as military lands. A war followed in 1787, in which the Creeks were the victors. 1787–90

The Indian trade was in the hands of McGillivray, who had been accustomed to import through Spanish Florida the foreign goods used by his people. The natives were well supplied with arms and ammunition. They had made considerable advances in agriculture, were less roving and predatory in their habits, and were not at all disposed to surrender their lands. In order to settle the dispute, Washington appointed three commissioners, —General Lincoln, David Humphreys, and Cyrus Griffin,—who met the Indians at Rock Landing in September 1789, and found them disposed to admit the protection and sovereignty of the United States, but firm in their refusal to give up their lands. The situation was further complicated by the fact that the commissioners were content to adopt the views of the State of Georgia, and thus destroyed the confidence of the natives. The meeting broke up with no result save a promise to abstain from war until a more satisfactory decision could be reached.

Creeks will not give up lands

Vain efforts of commissioners

In 1790 Washington sent Colonel Marinus Willett to reopen negotiations; and acting upon his advice, McGillivray came to New York with twenty-nine of his fellow chieftains, where they were entertained by the new patriotic order of the Sons of St. Tammany, the patron saint and traditional owner of Manhattan Island. The Sons, dressed in Indian garb, welcomed the Creeks with

Chiefs and "Sons of Tammany"

1790

solemn ceremonies, gave a banquet in their honor, extended over them the protecting influence of their saint, and made the visit a memorable one for both parties. General Knox, to whom negotiations were committed, arranged the terms of a satisfactory agreement, following the outlines suggested by the President and Senate. The treaty was ratified in the Hall of Representatives; and after a solemn leave-taking and peace song, the Creeks departed, apparently well satisfied with their mission.

Creek chiefs at New York cede lands

By the terms of the treaty, the Indians agreed to surrender all claims to lands north and east of the Oconee, upon condition that their title to the territory south and west of that river should be unquestioned, and that the lands claimed and partly occupied by the people of Georgia should be returned to the rightful owners. The sovereignty and supremacy of the United States to the exclusion of all other nations were recognized; and on the other hand, promises were made of annual presents worth $1500 to the tribes. The Indian trade was left in the hands of McGillivray, but he had been accustomed to purchase of British merchants and ship through Spanish territories without duty, and was not now disposed to give up those advantages. To allow the practice to continue, some modification of the revenue law was necessary; and an opinion given by Jefferson is interesting as one of the earliest upon the relation of treaties to ordinary laws. The Secretary believed that the duty might be suspended in McGillivray's

Terms of treaty

Tariff concessions to McGillivray

favor, because a treaty made in legal form was a law of the land paramount to other laws, since it repealed previous ones conflicting with it and could not be repealed by laws passed subsequently. McGillivray, in addition to these privileges, was given a salary of $1200 per year for his services as Indian agent, and annuities of $100 were settled upon six of the chiefs. 1790 Subventions to Creek chiefs

The terms of the treaty met with some opposition from the British faction among the Indians, under the influence of William Bowles, at one time an agent for the British authorities, who now hoped to supplant McGillivray in the position of leader of the natives. The people of Georgia were most outspoken against the agreement, for some of them had settled upon the lands which were to be returned to the Creeks. The Legislature criticised the treaty. The people for a time seemed inclined to disregard it, and though quiet was restored temporarily, the southern Indians long remained a fertile source of trouble for the nation and Georgia. Difficulties in acceptance of treaty

During the summer of 1790 the executive department of the government had removed to Philadelphia; and the last session of the first Congress convened there on December 6, in the court-house in Chestnut Street. On the 8th, the President appeared in the Senate Chamber and read his message. In it he referred with pleasure to the evidences of national prosperity, as shown by increasing material welfare, by the rapid rise in American securities, and by the ease with which a loan of 3,000,000 florins had been obtained in Holland. Last session of first Congress

1790

He presented the petition of the Legislature of the district of Kentucky that it might be erected into a State with the permission of Congress. He referred to the dangers which threatened the Western settlements by reason of the continued hostilities of the Indians, and explained the measures which had already been taken to stop the depredations. Attention was called particularly to the situation in foreign countries; to the possibilities of a general war, with the dangers likely to result to neutral nations and to American trade should foreign vessels be diverted from their usual courses. Congress was informed of the necessity for a consular system, for laws respecting the militia, the mint, the post-office and post roads, and uniform weights and measures.

Washington's message

Among the new men who appeared in the Senate was James Monroe, recently elected to take the place of John Walker, the executive appointee to the seat made vacant by the death of William Grayson and refused by George Mason. Monroe, who was educated at William and Mary College, had served during the Revolution, had represented his State in the Continental Congress, and in the Virginia convention opposed the adoption of the Constitution as tending to destroy the rights of the States. His well-known sentiments, and the public opinion of Virginia respecting legislation during the first session of Congress, combined to give Monroe the vacant seat in the Senate.

Monroe in Senate

The important measures of this session were the excise and the bank; the one for revenue, the

other to provide a means for handling it wisely and conveniently, and both designed to bring about the condition of affairs so earnestly desired by Hamilton, the author of the measures,—the unquestionable supremacy of the general government over those of the States, and the attachment to it by personal interest of the wealthy and influential classes. To meet the additional expense incurred by the assumption of the State debts, an increase in revenue was necessary of somewhat more than three quarters of a million; and this Hamilton proposed to raise by a moderate excise on distilled liquors, with an increased tariff on those imported. The duties proposed varied from twenty to thirty-five cents a gallon upon wines, from twenty to forty cents upon distilled liquors. The excise tax was from eleven to thirty cents upon liquors made from imported materials, and from nine to twenty-five cents upon those made from materials of American production. There could be no question of the need of more revenue. That already collected had inflicted no great hardship, but to increase the tariff would have hindered trade and manufacturing. There remained then no other resource save that of internal taxation and the most powerful argument, necessity, was on the side of the Secretary.

1790

Revenue and Federalist politics

Increase of excise proposed

A necessity

Until the last of December, the House was engaged principally in the discussion of the militia bill and provision for another regiment of regulars, made more necessary since the result of Harmar's ill-fated expedition had become known. On December 30, a bill was reported making the

Military provisions

1790-1 Dec.–Jan.

changes suggested in duties upon imported wines and liquors, and providing the necessary officers for the collection of the excise. In connection with the bill, a petition from the College of Physicians in Philadelphia was presented, praying for duties on distilled liquors so heavy that their use might be restrained. Debate on the bill began the 5th of January with a speech from the irrepressible Jackson of Georgia, who proceeded to show that taxation in the form of an excise was odious, unequal, unpopular, and oppressive; especially to the Southern States, where, even by the evidence of New England, it was agreed that grog was one of the necessities of life. Why, too, should the College of Physicians interfere? They had as much reason to petition Congress to prohibit ketchup because people were sometimes poisoned by mushrooms. Another speaker believed that the method of collection would convulse the government; would let loose a swarm of harpies, who under the name of revenue officers would pry into every man's house and affairs. There was a good deal of doubt expressed as to the necessity for the measure, and also for the large amount of revenue named in the Secretary's report. Internal taxes, it was believed, would meet with even less favor than the excise; and a tax on salaries and pensions was not liked. Conditions within some of the States were unfavorable to the imposition of any new taxes. In North Carolina it was possible that ten times as much of the duty would be paid as in Connecticut. North Carolina temper was

Liquor excise—moral pros and cons

Political objections

Internal-revenue taxes generally

ruffled, and gentlemen would hesitate before exasperating that State to a greater degree. January 24 a number of citizens petitioned Congress that the bills should not be passed. A discussion over the limitation of the bill similar to that in the case of the bank was carried on for some time; but the measure passed January 27 by 35 to 21.

1791 Jan. et seq.

Excise bill passed

The full effect of the excise was not to be felt at once; some time must necessarily elapse before the new collection districts with their various officers could be determined. Yet the people opposed it, partly because of the name and its bad reputation, partly because they still regarded the government of the United States as a foreign government, partly because of what was considered to be unwarranted interference with private affairs. Jefferson used the strongest language concerning it. "The law," said he, "is an infernal one. The first error was to admit it by the Constitution; and the second to act on that admission." Perhaps not many men were willing to go to such lengths; but the opposition was widespread and in some localities serious by midsummer. The excise, however, was the necessary result of assumption, and was so regarded by the friends of that measure. On the other hand, both assumption and excise were opposed by those who believed both acts to be primarily for the purpose of weakening the governments of the States.

Popular recusancy

Almost revolt in spots

Hamilton's report on the National Bank is dated December 13, 1790, and is a masterly exposition of his theories of finance. He referred to

Hamilton's banking report

1790 Dec.

the use of banks among comercial nations generally, and to the success of the three that had up to this time been established within the United States: the Bank of North America at Philadelphia, chartered December 1, 1781; Massachusetts Bank, Boston, chartered February 7, 1784; Bank of New York, New York, opened for business June 9, 1784. Banks, he said, had always been valuable aids to trade and industry; and in distressing emergencies, of the greatest help to governments. Men of business and theorists favored them; yet there were doubts, jealousies, and prejudices in the minds of many, which might perhaps be dispelled by careful comparison of the advantages and disadvantages likely to arise from a national bank. If the principles of the report were adopted, the banks so established should increase the active and productive capital of the country by making specie the basis of an elastic but safe system of paper, and money awaiting satisfactory opportunity for investment might thus be earning interest and not lying idle. In cases of necessity, the Bank would aid the general government by reason of its control of an immense number of small capitals collected at one point. Payment of taxes would be greatly facilitated, money might be safely transmitted by drafts; thus relieving not only the government but private depositors as well. The customary arguments against the banking system were, that it would tend to increase usury, to prevent other forms of loans, to tempt men to

Hamilton's eulogium on banks

Value to business

And government

Objections stated

over-speculation, to give aid to adventurers and fictitious credit to would-be financiers, and finally to banish gold and silver from circulation. Hamilton answered these charges by admitting that some of them might be true under unusual conditions, but alleging that others had no foundation in fact, and that a few were unreasonable, since if allowed to exist at all they would ultimately prove the ruin of any banking system. It was proposed by the report to incorporate into a bank the subscribers to the stock of $10,000,000. The value of each share of stock was $400, and of the 2500 shares the United States was to hold one-fifth, and in return receive a loan of the same amount, but in ten annual installments of $200,000 each. The life of the corporation was to be limited to twenty years, and during that time no other bank was to be incorporated by Congress. One fourth of the subscription was to be paid in gold or silver, the balance in three or six per cent. certificates of the national debt.

1790–1 Dec - Feb.

Hamilton answers objectors to bank

Terms

A bill in accordance with these recommendations was introduced into the Senate, where it obtained favor from the first. The more prominent of the opponents were Izard, Butler, and Monroe, who contended for greater advantages to the public. It was said that banks added to the profits of unproductive men, and the growing party of the opposition could discern clearly the spirit of speculation under the guise of interest for the public welfare. At no time, however, was there any danger that the bill would fail in the

Arguments of opposition

1790-1 Dec.-Feb.

Senate; but in the House there was a much stronger feeling against it, and an unsuccessful attempt was made to recommit the whole project. Here the leaders of the opposition were Madison, Giles, and Jackson; the ablest supporters were Lawrence, Sherman, Ames, and Gerry. Among the reasons urged was one which attacked the theory of banks, believing it to be faulty and dangerous, and another based upon the lack of power under the Constitution to establish such corporations. To some of the members the Bank appeared to be an engine of the money power, a source of corruption in politics and in life. Madison, laying aside in the first instance the question of constitutionality, believed that the advantages to be derived from such institutions were not self-evident, and such as they were, might be obtained as well from several banks established by the States. He quoted Adam Smith in support of his statement that a bank tended to remove gold and silver from circulation, and asserted that what it had to offer in exchange would not be of great value in the United States. The Bank would aid commerce only near the place where it was established. In regard to the constitutional power, he reminded the members of Congress that an attempt had been made to insert in the Constitution the power to the general government to grant charters of incorporation. This was opposed on the ground that the States would be divided by it, while in Philadelphia and New York the clause would be supposed at once to

Arguments in House against a government bank

Madison's

Also as unconstitutional

1790-1 Dec.-Feb.

refer to a bank, to which there were great objections. Madison then gave his definition of the Federal government, a definition that was forming the party which was to lead Jefferson ultimately to the Presidency. The government was limited, Madison said; it was a grant of particular powers only, and not a general grant from which particular powers were excepted. To provide for the common defense and general welfare could not, in his opinion, warrant the establishment of the Bank, which was not necessary but at most convenient.

Bank opposed as unconstitutional

The friends of the measure said in reply, that the chief end of any association of persons or States was to accomplish the purpose for which it had been organized. Government, the highest form of corporation, had annexed to it the various powers necessary to effect its purpose; but these powers had not been defined. It was shorter and safer to define the things which the government might not do. "Congress may do what is necessary to the end for which the Constitution was adopted, provided it is not repugnant to the natural rights of man, or to those which the people have expressly reserved to themselves, or to the powers which are assigned to the States." This opinion, expressed by one of the leaders of the Federalists, contained the political theory of that party. Gerry believed Congress to be as competent to incorporate a bank as to adjourn from day to day. As to the creation of a monopoly, it was said that none should result, since the States

Defended as constitutional

1790–1 Dec.–Feb.

or private parties were not prevented from establishing similar institutions of their own. After a long discussion, the bill passed the House by a fair majority; but so doubtful was Washington upon the question of constitutionality that he asked for the opinions of the Cabinet, and Madison prepared for him an outline of a veto message in case he decided to disapprove the bill.

Question of vetoing U. S. Bank bill

Jefferson's argument was also his own view of the Constitution. "I consider the foundation of the Constitution as laid in this ground: that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." Further, to form the subscribers into a corporation and endow this corporation with the powers proposed, violated well-established principles of the common laws, and in time would override State laws because of the necessity of protecting the Bank from attacks of the State legislatures. Since the power of incorporation was not among those especially enumerated, nor within an ordinary construction of the elastic clauses, Jefferson concluded that it never was intended to break down the fundamental laws of the States for a shade or two of convenience, more or less. That the Bank would be a convenience, he did not deny; but could not admit that because it was convenient, it should be allowed to defeat the safe principles of constitutional government.

Jefferson's argument for veto

The party of consolidation, the party in power, led by Hamilton, found in his argument sufficient

FIRST BANK IN THE UNITED STATES.

reasons for renewed and stronger support of the Bank. "Necessary" meant needful, requisite, incidental, or useful. It was the intent of the Constitution to give a liberal latitude to the exercise of specified powers. The powers contained in the Constitution, especially those which concerned the general administration, ought to be construed liberally in the advancement of the public good. Unfortunately the opposing ideas of the public good could not be reconciled. The breach between the parties widened until all possibility of bridging it was lost. After time for careful consideration, the President signed the bill; and thus the close of the first Congress found every maesure of the ultra Federalists incorporated as laws into the administration of the government. The history of the remaining six years of Washington's services as President is for the most part the history of the working of these principles and the development of opposition to them.

1791 Feb.-July

Federalist argument against vetoing bank bill

Washington signs it Feb. 25

Subscriptions to the stock of the Bank began July 4, 1791. The most enthusiastic friends of the plan had not expected the total amount to be taken at once; but the books had not been open an hour—some accounts say fifteen minutes—before 5600 shares more than the capital stock had been subscribed. The fortunate ones had deposited $25 in cash for each share, and before night their certificates of deposit were selling at an increase of 100 to 150 per cent. Many who had postponed purchases, hoping for a slump, were greatly disappointed. Among them, rumor said,

Organization of bank

1791

Stockholders of U. S. Bank

were Robert Morris, who threatened suit; and Fitzsimmons, who hinted at Congressional investigation of the way in which the subscriptions had been managed. There were a few stockholders from Virginia or North Carolina; the majority were from Boston, New York, and Philadelphia.

Speculative furore aroused

This first success produced a veritable fever of speculation. People who had money were eager to buy, and those who had none would pay two per cent. a month for funds with which to speculate. By the first of August shares were sold at 150 per cent. premium, and for a fortnight went to 200. The rise of public confidence inspired the hope that the National Bank would soon overpower the State banks, which threatened to become dangerous instruments in the hands of the partisans of State rights. There was an evident desire

Federalists encouraged

to secure as far as possible a monopoly of banking privileges. Nor were the fears of the opposition allayed when, after the election of Bank directors in October it was found that George Cabot, Fisher Ames, John Lawrence, and Rufus King were among them. Soon afterward Thomas Willing was chosen president; and it was decided to establish branches of the Bank at Boston, New York,

Splendid initial success

Baltimore, and Charleston. When the parent institution opened its doors for business in December 1791, the deposit of specie in one week amounted to half the specie capital of the Bank.

Congress adjourns

March 3, 1791, the first Congress adjourned. It had been composed of many men of great ability and of sound sense, and had undertaken the

great work before it with the full understanding of its importance. Debates had been vigorous, in some cases bitter, but generally to the point. All measures necessary for the establishment of government had been passed, but in their discussion the old hostility between sections had shown itself anew. The question of the interpretation of the Constitution and the administration of government under it had been introduced; a question which has been from that day to this the point of separation between political parties, and the foundation of American political theories.

1791, etc.

First Congress outlines all later issues

Meanwhile both North Carolina and Rhode Island were experiencing the inconvenience of their separation. North Carolina had called a second convention, but Rhode Island for a time resisted all efforts of a not inconsiderable party in the State to secure the adoption of the Constitution. Rhode Island, indeed, sought to excuse the Anti-Federal sentiments of her people by an address which gave as a principal reason for this attitude, their strong attachment to a "democratical" form of government, which notwithstanding its radical tendencies they rightly believed to be preferred "to the loss of liberty and the rights of a free people." They prayed that they might not be considered as foreigners, asked that trade might be kept open, and promised to levy for Continental purposes a tariff equal to that established by the United States.

Two States still outside the pale

Rhode Island contumacious

North Carolina ratifies

North Carolina ratified the Constitution November 13, 1789, and submitted eight amendments,

1789-90

two of which were to prevent the government from interfering with the previously emitted paper money of a State and with the payment of State debts previously incurred. The territory west of the mountains was ceded to the general government, upon the conditions that the ownership of lands already granted by the State should not be disputed, and that Congress should make no laws looking to the emancipation of slaves.

North Carolina's terms of ratification

Early in 1790 a bill passed the Rhode Island Assembly calling a convention to consider the adoption of the Constitution. This action was due largely to the personal efforts of Governor Collins, who was replaced at the next election by an Anti-Federalist; and the convention adjourned from March to the following May. Meanwhile the Senate proposed to place the recalcitrant little commonwealth on a footing with other foreign nations in trade matters; Providence and Newport, the commercial centres, always favorably disposed toward the Constitution, openly hinted at secession, and there was a revival of the old plan to divide the State between Massachusetts and Connecticut. When the convention met May 24, there was an attempt at further adjournment, which was defeated; and the Constitution was ratified May 29 by a majority of two, but not until a bill of rights in eighteen articles and twenty-one amendments had been proposed. During the following summer, Washington with some members of his Cabinet visited Newport and Providence; where they attended the graduation exercises of

Struggles in Rhode Island

Almost disintegrate it

Constitution ratified

the college, and were welcomed by the people, who were much pleased with the satisfactory if tardy action of their State. 1790–2

After three conventions to accomplish the separation of the District of Kentucky from Virginia, to establish it as an independent State, and obtain admission into the Union, another meeting was held in July 1790, at which a fourth convention was called to frame a constitution for the District. Separation was to become an accomplished fact on June 1, 1792; and early in February of 1791 Congress passed an anticipatory act, admitting Kentucky when her independence had been secured. No constitution had as yet been framed, but the general principles upon which it would be based were known, and of these slavery was one. Kentucky becomes a State

In consideration of the payment of $38,000, Vermont in 1791 had settled the claims arising under the former New York grants, and had determined the boundary line between the two States. Vermont had a constitution, that of 1785, and now in convention resolved to ratify the Constitution of the United States and apply for admission into the Union. To this there was no objection; for with the probable addition of Kentucky to the ranks of the opposition, and the somewhat doubtful temper of New England, the admission of Vermont promised to be a welcome addition to the party in power. Vermont also

Favored by Federalists

The adoption of the national Constitution was the beginning of a new period in the formation

1789-90

of State constitutions, as the various commonwealths were affected by the new model, and sought to pattern more closely after it or to express new political theories and correct errors of their own. Of these States the first was Georgia. A change was made from the unicameral system to a Legislature of two houses; property qualifications were required of members of the Legislature, and the franchise was extended to all taxpayers. The Senate was to elect the governor from three candidates chosen by the lower house, judges to serve three years were to be selected in the same manner. A new court of appeals was authorized, the previous judicial system extended, and the powers of the governor were enlarged; a result common in the State constitutions since the appointment of the executive had become vested in the people.

New constitution of Georgia

South Carolina followed the example of Georgia in her constitution of 1790, which gave a vote to all taxpayers, and required a higher property qualification in the members of the Assembly and the Executive. The governor and lieutenant-governor were chosen for two years by the Legislature in joint ballot. The candidates must possess unincumbered estates of a greater value than $6000, could hold office but two years in six, and had not the power of veto. The members of the lower house were elected for two years; those of the Senate for four, but divided into two classes so that there was a partial change every second year.

Of South Carolina

1790

Pennsylvania's constitutions

The first constitution of Pennsylvania had established a Legislature of one house and a plural executive. There was also a body of censors, two from each county, which in septennial meetings investigated all acts which might appear to be unconstitutional. The contests in the State arising from the weakness of the government began soon after its adoption, and in no State were parties more radical in their views or statements. By the new constitution, representation from the counties was proportioned to the number of taxpayers. The chief executive was to be a governor, elected for three years by the people; and furthermore, he was given the right of veto and extensive powers of appointment. Two years' residence and the payment of taxes conferred the franchise, the judicial system was modified to appointment during good behavior, and appointments to office in the treasury were to be made by the Legislature.

Drift toward democracy

Pennsylvania had been regarded during the period of the first Congress as the pivotal State of the Union. A gradual change now came about, by which the State tended rather to adopt the principles of the opposition than to continue in orthodox Federalism. For this there were many reasons. The excise was unpopular in Western Pennsylvania, the Bank was distrusted in some quarters, and perhaps the capital city was disappointed in not securing a larger share of the subscriptions. Discussion over the new constitution kept up party violence, and this feeling was increased by the revival of the claims of settlers in

1790-1

the Wyoming country. In 1787 land titles had been confirmed to the Connecticut immigrants; but a quarrel broke out between the commissioners who were to decide the question of titles, and the confirming law had been repealed. The people of Pennsylvania thought that the revival of the disturbance was due to the New-Englanders, and to this opinion some part of the political situation may be traced.

Wyoming contest reopened in Pennsylvania

General Harmar's expedition against the western Indians had failed in two respects. He had not succeeded in protecting the settlements on the Ohio, nor had he forced the Indians to make peace. A letter from Rufus Putnam to the President, written early in January 1791, explained the serious situation of the settlers. January 2 the savages had surprised a settlement at Big Bottom on the Muskingum, killing fourteen people, and attacks on other places were feared. Marietta had about eighty houses; within twenty-five miles were four other hamlets with from five to twenty families; opposite the mouth of the Little Kanawha were thirty more: and to protect these scattered groups there was only the garrison at Fort Harmar of about twenty men, and perhaps in all the settlements 280 men capable of bearing arms. Immediate destruction seemed to threaten unless there was speedy help from the general government.

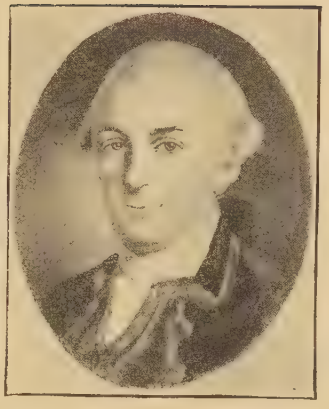
Bad conditions after Harmar's failure

Settlements almost defenseless

The fear of Indian invasion spread to the western counties of Virginia, and the governor of the State was authorized to provide for their

RUFUS PUTNAM.

RETURN. J. MEIGS.



WILLIAM DUER.

EARLY MARIETTA, AND CHIEF PROMOTERS OF OHIO SETTLEMENT.

defense until the general government should act. March 3, 1791, Congress added another regiment to the army, and appointed Governor St. Clair to command a force of 3000 men against the Miamis; while Secretary Knox soon afterward ordered General Scott of Kentucky, with a picked force of 500 cavalry, to attack the Wabash tribes and prevent them from assisting the warriors of the Miami villages. Meanwhile Lord Dorchester warned the British commanders in the West of the American movements, which he feared might be directed against the retained posts. St. Clair's instructions were to establish a strong military post at the Miami village, with posts of communication with Fort Washington, and to conduct the campaign with vigor. The Wabash and the Miami were to form the boundary of the Indian lands, provided a treaty followed the efforts of the expedition. The Kentucky backwoodsmen were to be given an opportunity of making war on their own account and in their own fashion. The men were to attack the Wea towns (Ouiatanon or the Wea village was about eight miles below Lafayette, Indiana, on the south bank of the Wabash), spare all who did not resist, and capture as many as possible; particularly of the women and children, who were to be taken to some one of the posts on the Ohio as safeguards against further inroads.

1791 March-May

St. Clair and Scott to make Indian campaign

Ultimate object

General Scott set out on the 23d of May; and after a week's march, crossing four streams and making his way with difficulty through the bogs

Scott marches

1791 May-Aug.

and underbrush, he entered the country of the hostile tribes. Early in the morning of the 1st of June, Indians were seen; and the column pushed forward rapidly, hoping to effect a surprise. Shortly after noon, two small villages were found and destroyed by a detachment of sixty men commanded by Colonel John Hardin, while the main body pushed forward to the larger and more important village some five miles distant. When these towns were reached, the savages were found on the river bank seeking to escape. An attacking party led by Colonel Wilkinson sank five canoes, and shot or drowned their inmates. A Kickapoo town across the river was destroyed and fifty-two prisoners taken. The following morning the attack was renewed, and a town some eighteen miles distant was destroyed. Further raids were planned; but it was found that the horses were worn out by the constant travel, and the march was begun for the falls of the Ohio. Not a single man had lost his life by the Indians. Thirty-two of the enemy were slain and fifty-eight were made prisoners. Sixteen of the latter, weak and infirm, were released to bear messages to the Wabash Indians threatening greater devastation unless peace were made.

Scott moves against Wabash tribes

Some success

This attack was succeeded by another, made by a body of 550 men under the command of General Wilkinson; employed by the government against the Indians, men said, to keep him from other and greater mischief. Wilkinson, who was a favorite with the western soldiers and an able

Wilkinson takes the field

Indian-fighter, left Fort Washington August 1, and a week later came upon a town which stretched for three miles along Eel river, where he killed nine Indians and took thirty-four prisoners. Thus hampered, he set out for the other towns the next morning, and after a day's march found that his horses were worn out and but five days' provisions remained. On the way back a Kickapoo town was destroyed, and the Wea village again devastated. On the 21st, Wilkinson was again at Fort Washington after a march of 450 miles.

1791 Aug., etc.

Wilkinson's expedition

The three expeditions under Harmar, Scott, and Wilkinson had wrought havoc among the villages of the Indians in the Wabash country. Many of their warriors were killed, many of their women and children made prisoners, crops were destroyed, towns plundered and burned. The Indians were exasperated first by what Washington called "land jobbing, and the disorderly conduct of the borderers"; while Kentucky and New York dealt with the native problem each in its own way. Now in their extremity the leaders, Little Turtle of the Miamis, Blue Jacket of the Shawnees, and Buck-ong-a-helas of the Delawares, endeavored to obtain aid from all of the surrounding tribes, hoping to be able to drive the whites from the lands north and west of the Ohio.

Results of Wabash raids

Indians attempt a general league

Meanwhile St. Clair had undertaken a task which was beyond his resources and strength. On the 16th of April he was at Pittsburg, on his way from Philadelphia to Lexington, Kentucky. He

St. Clair starts

1791 May-Nov.

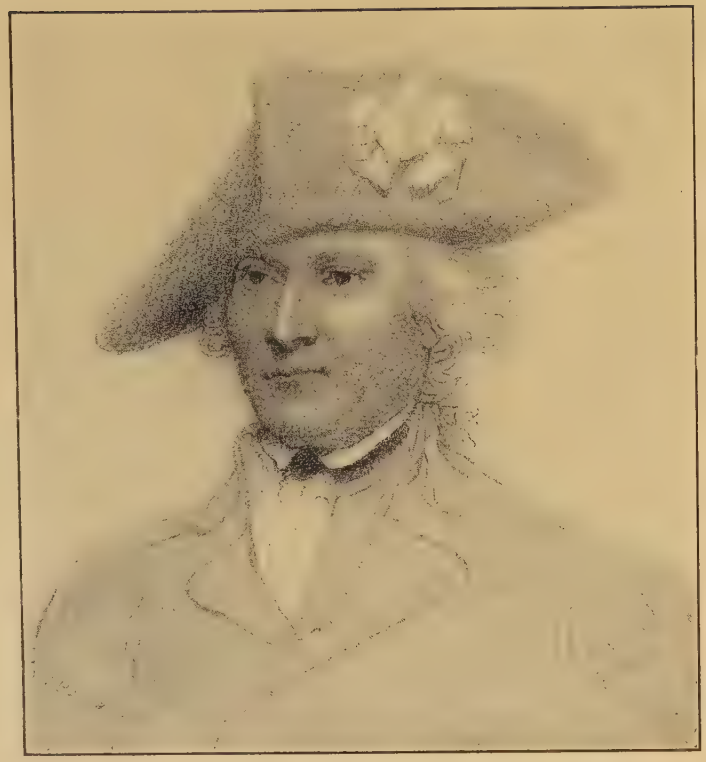
reached Fort Washington May 15, and two months later was joined by the first regiment of regulars, three hundred in number. To them were added the recruits from the Eastern States; "men who are to be purchased from prisons, wheelbarrows, and brothels at two dollars a month," said John Cleves Symmes, who predicted that they would never do to fight the savages. Not only were the men slow in coming in, but the supplies were equally delayed, and when arrived hardly fit for use. It was not until September that the advance guard under General Butler moved northward about twenty-five miles, where Fort Hamilton was built on the east bank of the Great Miami. Early in October the army advanced about forty miles, and built Fort Jefferson on a site six miles south of the present city of Greenville, Ohio. On the 24th the advance was continued; but so imperfect were the arrangements, and so bad the roads, that but little progress was made. A day or two later, Indians were seen but were allowed to escape. Sixty militia deserted on the 31st, and it was reported had gone to plunder the baggage trains in the rear; which St. Clair prevented by detaching Major Hamtramck and a regiment of regulars to guard the supplies and forward them to camps.

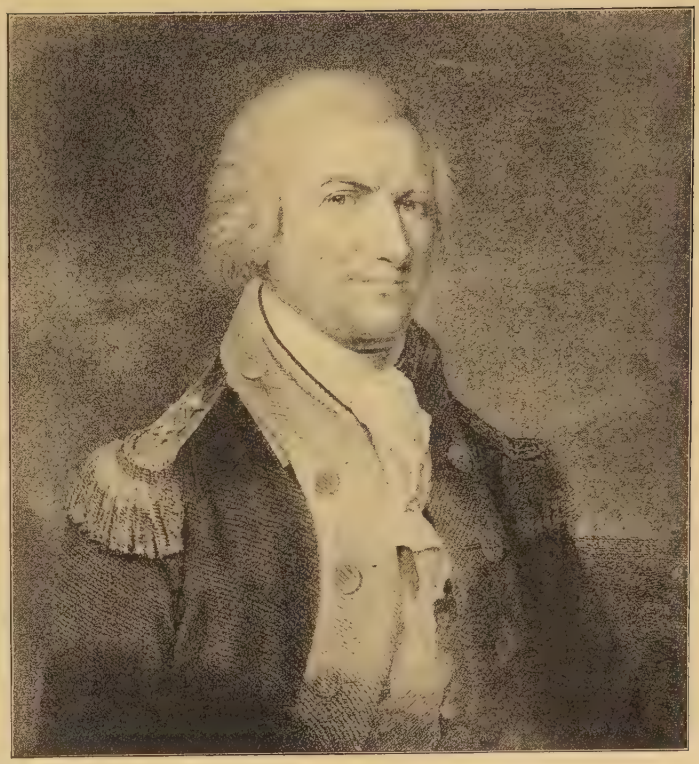
St. Clair's Falstaffian army

Moves westward

The army, now consisting of about 1400 effective men, moved forward to the head-waters of the Wabash, near where Fort Recovery was afterwards built, a point ninety-five miles from Fort Washington. On the night of November 3, the troops encamped on the bank of a little stream,

Encamps





PORTRAITS OF ARTHUR ST. CLAIR.

1791 Nov. 3-4

which was thought to flow toward the Lakes but was in reality a tributary of the Wabash. Indians had been seen for several days, but not in numbers, and the imperfect scouting failed to reveal the presence of a large body of the savages near at hand. The troops were drawn up in four lines. The two lines of militia were across the creek, separated by an interval of about a quarter of a mile from the main army. Behind the stream were the regulars, also in two lines. There had been a snow-fall, and the two divisions built fires between their separate lines, adding to the ease of location by the enemy. St. Clair believed he was about fifteen miles from the Miami town; and he spent a part of that same evening with Major Ferguson, planning defensive works for the baggage while waiting the arrival of the first regiment, when an immediate movement was to be made.

Vicious arrangement of St. Clair's force

Unsuspecting of attack

Almost half an hour before sunrise on the morning of the 4th, when the men had just been dismissed from roll-call, the Indians made a sudden and unexpected attack upon the militia lines. Little Turtle had planned the attack wisely, and the surprise was complete. The Indians gradually surrounded the troops camped in the open, and from the sheltering trees and fallen logs kept up an incessant fire upon the narrowing lines of the Americans. The militia stood but for a short time, when they rushed across the creek and through the first lines of the regulars, confusing and demoralizing them. The Indians followed

Indians surprise militia

Rout them

1791 Nov. 4

hard upon the fugitives, tomahawked the unwary, sprang back into the cover of the brush, and began again the terribly destructive fire. Only for a moment were they checked by the first line of regulars, but came on again. By this time they were well upon the flanks of the troops, and it became necessary to use the bayonets. A part of the second line under Lieutenant-Colonel Darke charged the savages, driving them back some three hundred yards; but the advantage could not be followed up, and the Indians closed in again about the doomed army.

Indians close in on St. Clair's regulars

Time and again the charge was repeated, always with the same result; but each time the charging force grew smaller. The savages directed their fire especially against the officers and artillery; they boldly entered the camps and scalped the dead and wounded. Finally the troops lost heart. St. Clair, helped upon one horse after another, a part of the time carried in a litter up and down the field, encouraged the soldiers and directed the charges. Major-General Butler had his arm broken early in the engagement, but continued to lead his troops. Mortally wounded, he directed his men from a pile of knapsacks until the Indians broke into the camp and killed him. At the end of three hours most of the officers of the infantry had been slain, and but one of the artillery—Captain Ford—survived. It was perfectly evident that the only salvation was in retreat; but even that seemed impossible. A final bayonet charge opened the way to the road, and

Pick off officers and gunners

Dreadful carnage

Retreat attempted

down it the militia streamed in wild terror. Major Clarke with the regulars covered the retreat as best he could. The camps were abandoned, and with them the artillery. 1791 Nov. 4 et seq.

St. Clair, mounted on a pack-horse which could not be stirred out of a walk, could not direct the retreat nor check the fugitives. The retreat soon became a rout of panic-stricken men. Arms and equipments were thrown away; all vestiges of discipline disappeared; an effort to establish an effective guard failed through the death of the commander of the battalion, Major Clarke. To add to the horror of it all, the Indians pursued the flying column, cutting off stragglers, killing and scalping them. Had the pursuit continued long enough, it is difficult to see how any could have escaped; but fortunately the booty which had fallen to the savages led them to turn back after about four miles, and the fugitives made their way thereafter unmolested to Fort Jefferson, which they reached about nightfall. Here a garrison was left with sufficient supplies for defense, and here the sick and wounded who escaped took refuge for a time. On the 8th, St. Clair and his command arrived at Fort Washington. Remains of St. Clair's force take to flight

Saved by Indians returning for plunder

The amount of booty which fell into the hands of the bands of Indians amounted in value to about $30,000. It consisted especially of things that their hearts delighted in,—horses, arms and ammunition, tents and clothing. Their eagerness to plunder the camps had led them to cut short their pursuit, and the abundance of spoils kept

1791-2 Nov.-Jan. General Indian rising feared

them more quiet than usual for the rest of the winter. Their exultation was unbounded, and all throughout the West the tribes which had previously been passive became uneasy. The inhabitants of Pittsburg feared for their safety, and emigration westward stopped almost entirely for a time.

Indian treatment of St. Clair's dead

The following January a detachment of volunteers under General Wilkinson visited the scene of the battle, to remove the artillery carriages and bury the dead. The field presented a shocking spectacle of savage cruelty. The bodies, blackened by the cold, could not be identified: but they had been stripped of all articles of value, scalped, and in some cases the limbs torn off, while even greater indignities had been inflicted upon the bodies of the women, of whom about a hundred were with the army.

Washington's anger at St. Clair

The news of the disaster did not reach Philadelphia through official channels until December 19, six weeks after the defeat, though there were rumors coming by way of Pittsburg two weeks earlier. Denny, St. Clair's aide, told the Secretary of War, who sent the news to the President. Washington retained his calm through a long dinner party; but as soon as it was over the storm broke. He strode up and down the room uttering imprecations and bitter invective, accusing St. Clair of being the cause of the disaster. "Here, yes, here, on this very spot I took leave of him. I wished him success and honor. 'You have your instructions; I had a strict eye to them, and will

add but one word,—Beware of a surprise.' I repeated it, 'Beware of a surprise. You know how the Indians fight us.' He went off with that as my last solemn warning thrown into his ears. And yet to suffer that army to be cut to pieces, hacked, butchered, tomahawked by a surprise—the very thing I guarded him against. O God, he is worse than a murderer. The blood of the slain is upon him—the curse of widows and orphans—the curse of Heaven." Then when the passion had subsided, he added, "General St. Clair shall have justice—he shall have full justice."

1791 Nov.-Dec.

Washington bitter at St. Clair

The anger of the people was aroused and demanded a sacrifice; but clearly other things and men were at fault as well as St. Clair. That he should have accepted such a command save under the impulse of an excess of patriotic zeal, and a conception of his duty as governor of the Territory, is hardly believable. St. Clair was physically a broken man; he could not mount a horse without help, whole days he was obliged to remain in his tent, at other times he was carried on a litter: and considering the mode of warfare and the character of his troops, the vigilance and activity of youth were not too much for the task. Then too his scouting arrangements were defective. Although the Indians had not gathered in force more than four or five days before his arrival, he should have protected his advance against a sudden attack. The expedition in January following found, not far from St. Clair's camp, evidences of an Indian encampment where it was supposed they had spent

Discussion of the case

1791–2 Nov.–March

the night before the battle. Indians had been seen and were known to be in the neighborhood, and their location might have been known by proper precautions. Orders given to the commander of the Kentucky militia were not obeyed, nor did some important information which reached camp the night before the battle come to St. Clair's ears until afterward. St. Clair's forces were weakened by the absence of the regiment of regulars; though, in his own opinion and that of his fellow-officers, it could not have changed defeat to victory, and its presence would have added food for the slaughter. St. Clair allowed himself to be caught with raw militia in a situation similar to Braddock's, where all the advantages were on the side of the foe. Of the 1400 officers and men who composed the expedition, 61 officers were killed or wounded, and 835 men killed, wounded, or missing. The number of the Indians was estimated variously at from 500 to 1200, one trustworthy source giving 1040; not more than 150 were killed or wounded.

Causes of St. Clair's defeat

Volume of losses

St. Clair demanded a court of inquiry; but there were not enough officers of high rank to form it. Congress appointed a committee to investigate, which placed the blame where it properly belonged; but the ultimate responsibility rested with St. Clair, who resigned his commission March 5, 1792, and was succeeded by General Wayne, whose seat in Congress from Georgia had been successfully contested by James Jackson.

Committee of investigation appointed

The committee found that the original contractors for supplies to and at Fort Pitt had given bond

for $100,000, but that in three months the contract had been transferred to William Duer, the chief of a clan of New York speculators whose bankruptcy the next year caused financial ruin to many; that Duer had given bond for $4000 without security; that there was a great complaint from the 9th of May to the 9th of June of defects especially in camp equipment; that pack-saddles were made in Philadelphia, which with transportation to Fort Pitt cost thrice as much as they might have been obtained for there. The arms too were out of order, and some unfit for use. From May 16 to August 26, the troops straggled into Fort Pitt by fifties and hundreds. The quartermaster-general in spite of repeated orders failed to reach camp until September 10, and the supplies furnished were entirely inadequate. At Fort Jefferson the army had not over three days' supply of flour. It was so late that green forage could not be obtained for the horses, which the contractor failed to furnish, but which were bought on the spot by one of his agents. The persons employed to drive the horses were for the most part ignorant of their business. The clothing was of inferior quality, the militia were partly substitutes and wholly ungovernable. Finally the committee decided that the defeat could not in their opinion be attributed to the commander-in-chief. His conduct in all preparatory arrangements was marked by ability and zeal, and during action by coolness and intrepidity.

1792

Congressional committee on St. Clair's expedition

Exonerates him

Another committee, to whom this report was committed, found some circumstances in favor of

1791-2

St. Clair acquitted

the contractors and some mistakes in the previous report, but not enough to warrant censure of St. Clair. However, he had failed miserably, and had to bear the burden of his disgrace.

Second Congress meets

The first session of the second Congress began October 24, 1791. Following the custom of the preceding session, Washington addressed the two houses, and received in return their replies of acknowledgment and thanks. The President congratulated Congress and the country upon the era of prosperity which seemed to be beginning, as already shown by the recent census[1] returning nearly four millions of people, by the condition of the finances, the over-subscription to the Bank, and the favorable terms of foreign loans. A considerable part of the message was devoted to the war on the frontier. The precautions taken by the

New census returns

[1]

States.	Rep.	Free White Males over 16.	Slaves.	Population including Slaves and all other persons, except Indians not taxed.
Virginia	19	110,936	292,627	747,610
Massachusetts with Maine	14	119,837		475,327
Pennsylvania	13	110,788	3,737	434,373
New York	10	84,700	21,324	340,120
North Carolina	10	69,988	100,572	393,751
Maryland	8	55,916	103,036	319,728
Connecticut	7	60,593	2,764	237,946
South Carolina	6	35,576	107,094	240,073
New Jersey	5	45,251	11,423	184,139
New Hampshire	4	36,086	158	141,885
Vermont	2	22,335	16	85,539
Georgia	2	13,103	29,264	82,584
Kentucky	2	15,154	12,430	73,677
Rhode Island	2	16,119	948	68,825
Delaware	1	11,783	8,887	59,094
Territory South of the Ohio		6,271	3,417	36,691
Totals	105	814,396	697,697	3,921,326

PITTSBURG IN 1790.

1791

Second Congress: Washington's message

government were noted, and suggestions were made for a settled policy which should render war less liable. Popular feeling against the excise was strong in some localities, and the message recommended changes which might tend to remove the objections. Finally the President informed Congress that the site for the Federal capital had been determined, and that the work of planning the city and the buildings was progressing.

New men of mark

Among the new men in the House were Artemas Ward of Massachusetts, Jonathan Dayton of New Jersey, William Findley from the western districts of Pennsylvania, Nathaniel Macon of North Carolina, and Anthony Wayne of Georgia. Wayne's seat was contested by Jackson; and near the end of the session he was unseated, and became the successor of St. Clair in command of the troops in the Western territory. In the Senate were George Cabot of Massachusetts, who had been proposed for the presidency of the Bank; Roger Sherman was transferred from the lower to the upper house; and Aaron Burr succeeded Schuyler as Senator from New York. Aaron Burr's father was the first president of Princeton, his mother the daughter of Jonathan Edwards.[1] Burr was

[1] Burr's grandfather, a member of a German family of distinction, settled at Fairfield, Connecticut, where his son Aaron was born in 1715. Aaron Burr was educated at Yale, entered the ministry in 1736, was pastor of a church in Newark, New Jersey, and was the first president of Princeton College. In 1752 he married Esther, the daughter of Jonathan Edwards; and five years later a son was born, to whom his father's name was given. President Burr died in August 1757, and his wife the following year; leaving, besides the son Aaron, a sister Sarah, afterward the wife of Judge Tappan Reeve.

1791

Aaron Burr

unusually diligent, and possessed great mental powers. He entered Princeton in 1769, graduated with honor, and had begun the study of law before 1776; but with the Revolution he joined the army at Cambridge, was with the ill-fated expedition to Quebec, and was at Montgomery's side in the assault on the block-house. He seems to have fallen early under the influence of the faction opposed to Washington, was a supporter of Conway and a defender of Lee's conduct at Monmouth. Retiring from the army, he began the practice of law in New York, where a Tory exclusion act proved of much advantage. Burr was an able lawyer, but soon found employment in politics, especially the local politics of New York, for which his nature especially fitted him. He speedily became a favorite, and secured a large personal following of young, enthusiastic, devoted, but not over-scrupulous adherents, which made his influence worth bidding for; and one of his prizes was the seat in the Senate.

Congress thought extravagant

One of the common charges against the government in early days, and a charge which always appealed to the people and was therefore in favor with the opposition, was that of extravagance. Congress, men said, had more money to spend than was wise. The first tariff act had brought in about $2,000,000, which the second had increased. Some of the specific duties have been mentioned. The *ad valorem* charges ranged from five to fifteen per cent., but such was the distribution that by far the largest amount obtained was from the larger

importations under the smaller duties. The estimated expense for the year was approximately $328,000 for the civil list, and $87,000 for diplomatic service. The public debt, extraordinary expense, and the Indian war, used the balance of an annual appropriation of $3,500,000. 1791 Oct.-Nov.

Among the subjects discussed by the second Congress at its first session, the most important were the report on manufactures from the Secretary of the Treasury, and the reapportionment of representatives made necessary by the result of the census of 1790. The first was a part of Hamilton's plan to advance the importance of the general government, and to attach commercial interests to its fortunes. It is of interest, moreover, as advancing for the first time the notion of a tariff for protection, or a system of bounties which, paid to the manufacturer, would enable him to compete with the productions of foreign countries. This plan was opposed by the new party which had formed to counteract or defeat what they believed to be the plans of the administration—and of Hamilton particularly—to broaden the Constitution by construction. Madison believed the report to advance a new constitutional doctrine of vast consequence, which demanded serious attention. In his opinion, this doctrine subverted the fundamental and characteristic principle of the government; was contrary to the true, fair, and accepted construction of the Constitution, and departed from the true sense in which it had been prepared, advocated, and adopted. "If Congress can do

Hamilton's report on manufactures

Advocates protection

Madison thinks it unconstitutional

1791 Nov.

whatever in their *discretion* can be *done by money,* and will promote the *general welfare,* the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."

Hamilton's report on manufactures

The report on manufactures was characterized by the same general qualities of thoroughness and accuracy of detail that marked all of Hamilton's work. While other men were trying to discover the relations of the parts of a complex problem, his analytic mind had arranged them in order, discovered their relations and determined their values. Following a favorite method, Hamilton cited and answered all the arguments of weight against encouraging manufactures by tariffs.

Cites argument against protection

It was urged that agriculture, the most beneficial and productive object of human industry, would be for an indefinite period the prevailing form in the United States, because of the vast amount of land which could be had at low prices, the attraction to emigrants from the settled districts and the greater independence of the farmer. Besides, the United States was deficient in capital and could by no means compete with the countries of Europe. To encourage manufactures by duties, bounties, or similar methods, would be to sacrifice the interests of the whole nation for a class, increase prices and foster monopoly.

Answers it

To these objections Hamilton replied that agriculture, although a favorite industry, was not the sole one; that the artisan not only replaced but increased values by his labor, and steadily improved

his productive powers. On full and accurate calculation, he believed that no material difference would be found in the value of the production of the two forms of industry. Farmer and artisan, Hamilton argued, both produce and consume. Meanwhile the maintenance of two citizens is going on; the State has two members instead of one. Division of labor causes perfection through specialization, and specialization in turn increases production. Manufacturing gives employment to classes not ordinarily engaged in business, and promotes immigration because of better prices, cheaper living, cheaper raw material than European countries afford; immigration in time creates a larger and more steady demand for the products of the soil.

1791

Farmer vs. artisan

Benefits of manufacturing

To the argument that industry would grow without governmental aid, he replied that habit and aversion to change kept people in their former pursuits; the fear of not succeeding, the keen competition of foreign countries, the bounties granted by foreign governments, all contributed to emphasize the necessity for interference on the part of the United States. Furthermore, the scarcity of labor was being overcome by rapid immigration, the want of capital by foreign loans and the funding of the debt. Immediate encouragement was needed to turn the surplus toward manufactures.

Need of stimulus

Finally, Hamilton suggested the various methods of protective duties: prohibition of competing articles, pecuniary bounties, and premiums for

Methods

1791-2

raw materials. At the same time particular articles were mentioned as worthy of immediate attention. Some of these, notably iron, copper, coal, grain, and cotton, have since contributed greatly to the high commercial position of the United States among the nations of the world. In partial accordance with these suggestions, the revised tariff act of May 1792 increased the duties on many manufactured articles which were then produced in the United States, or which might be made under the fostering care of a protective system.

Hamilton's report and increased tariff

The census of 1790 was to be followed by a reapportionment of representatives among the several States; and questions at once arose concerning the method and the number in the lower house. In some parts of the Union, there was a feeling that the so-called monarchial faction had undue influence by reason of its majority in the Senate, which an increase in the House might counteract. Elsewhere an increase was objected to on account of the expense, already heavy. The largest number allowed by the Constitution was one for every 30,000 inhabitants, and the bill as at first passed by the House was according to this ratio. By this arrangement Virginia would have twenty-one members of the House, with a fraction of population of but 560 remaining; while Delaware had but one representative, and an unrepresented remainder of over 25,000. There were similar inequalities in some of the other States; so the Senate after careful deliberation made the ratio one to 33,000.

Reapportionment of Congressmen

The House refused to accept the amendment, and the bill was lost. 1791-2 Winter

Presently another was introduced, which like the first adopted the number 30,000, and provided for a new census upon which the number of the House was to be based after March 3, 1797. Here also the question arose as to the exact method of applying the result of the enumeration. It was contended that the whole countable population should be divided by 30,000; the quotient, 113, the number of the House of Representatives, should then be apportioned to the several States according to the ratio of their population to that of the Union. This method would give Virginia nineteen members instead of twenty-one, as proposed by the former bill. This construction had never been thought of, its opponents said, until a recent time, and all the evidence favored an opinion exactly the opposite. The Constitutional provision meant the ratio to apply within the States severally, and not to the population as a whole. Reapportionment bill

This act was the subject of the first veto message. Upon taking the advice of his Cabinet, Washington found that Hamilton and Knox favored the bill, Randolph and Jefferson opposed. The President's veto was based upon the reasons that no divisor applied to the population of the States would give the number of representatives named in the bill, and that in eight of the States there was more than one representative for every 30,000 people. An attempt to pass it over the veto failed; but four days afterward another bill was Vetoed

1792 March–April

introduced into the House, which fixed the ratio of representation at one for every 33,000. It was in the debate upon this bill that Giles of Virginia charged the government with stimulating inequality by establishing out of the common rights of one part of the community, privileges, monopolies, and exclusive rights for the benefit of another part, with the object of creating a caste of the dependents of the government. On the other side it was argued that the South was particularly fortunate by reason of the counting of the slaves. Virginia was given twenty-one members by the original bill, though entitled to but nineteen; while the States of Vermont, New Hampshire, Rhode Island, Connecticut, New Jersey, and Delaware had but twenty-one representatives altogether. Was this right? Were the representatives apportioned or disproportioned? Suppose it were a question of direct taxation,—Virginia would then pay 21-34, or $377,000 more than her just proportion, while the other States mentioned would escape the payment of $150,000 each. Would that be justice? Would it be tamely endured? So the debate went on, sectional feeling developing as it threatened to do in cases of the smallest moment.

Struggle over reapportionment bill

Passed

The final bill, which became a law April 14, provided for a House of 105 members: ranging from Virginia's nineteen to Delaware's one.[1]

---

[1] Virginia..... 19
Massachusetts.... 14
Pennsylvania..... 13
New York..... 10
North Carolina... 10
Maryland..... 6
Connecticut..... 7
South Carolina.... 6
New Jersey..... 5
New Hampshire... 4
Vermont..... 2
Georgia..... 2
Kentucky..... 2
Rhode Island..... 2
Delaware..... 1

1792

Second Congress: chief acts

Among the other acts of importance in the second Congress were those relating to post-offices and post-roads, the mint, the Presidential succession, the organization and government of the militia, the establishment of diplomatic offices, laws returning fugitives from justice and persons escaped from service, and for the regulation of the times and places of terms of the Federal courts.

President or Congress to manage postal business

In the earliest debates upon the post-office bill, it was proposed that the Executive should establish the roads, since it could not be supposed that the members of the House possessed the requisite information, and since their opinions would be influenced by local conditions. To this it was replied that Congress was required to establish post-offices and post-roads. It was as necessary to do one as the other. If the one part were given up, the whole might as well be relinquished. "They were also empowered," said Sedgwick in reply, "to borrow money. Did that mean that they were to go in a body to the lender? They were empowered to coin money; and under the construction of the Constitution made by his opponents, they might be obliged to turn coiners and go to work in the mint. They must even turn executioners for punishment of piracies on the high seas." The next man up saw leanings toward monarchy which would tend to destroy the government, which was dependent on the House for its Republican form. How easy it would be at a general election for the President to say, "If you do not send such a man to Congress you shall have no post-office." Page

Arguments for Congress

Presidential patronage feared

1792

Second Congress:

of Virginia threatened to move an adjournment and a resolution to turn all business over to the Executive if the motion prevailed. There was much debate upon the questions of rates of newspapers, and permitting passengers to be carried by the mail wagons.

Postal arrangements

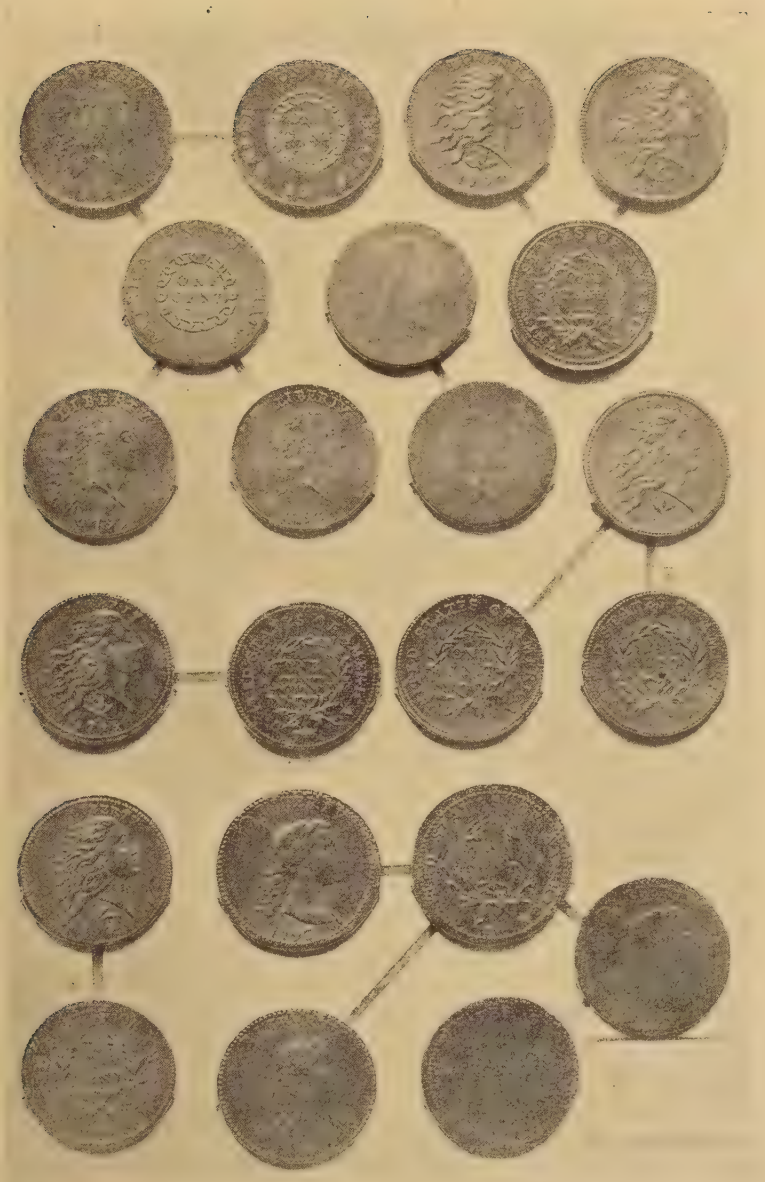
The act as finally passed authorized the President to make contracts for eight years for opening up new routes, all proceeds from postage to go to the contractors; also to regulate the pay of the officials and the rates of postage. These were for a single letter, approximately a quarter of an ounce, from six cents for a distance not exceeding thirty miles to twenty-five cents for over 450 miles. Publishers of newspapers might send one copy in exchange free; others at the rate of a cent a copy for a hundred miles, or a cent and a half for greater distances.

Mint established

The act establishing the mint created the offices of assayer, chief coiner, engraver, and treasurer, and determined the number and value of the coins.[1] There was an acrimonious debate over the inscriptions. As the bill came from the Senate, it provided that on one side should be the head of the President for the time being, the first letter of his Christian name, his family name, and his numerical position in the list of chief executives. Upon the reverse of the gold and silver coins there was to

Debate as to inscriptions

[1] The gold coins were the eagle, and half and quarter eagle; the first containing 247 4-8 grains of pure gold. Dollars, half and quarter dollars, dimes and half dimes were of silver. The dollar contained 185 10-16 grains of pure silver. The copper coins were pence and half-pence, the penny containg eleven pennyweights of copper.



SPECIMENS OF FIRST COINS STRUCK AT THE UNITED STATES MINT.

be an eagle with the words "United States of America"; the copper coins were to have only the inscription and value.

1792

Second Congress:

In the House the figure of the President was at once attacked. It was a practice of monarchists in ignorant ages to place effigies upon the coins to keep a chronological list of kings. There was no longer need for such a practice. The people were all pleased with their President, but would they be as proud of some of his successors? Were not his pictures and busts everywhere; had not a monument been voted; and did not historians praise him and daily extol his virtues? No further compliments were needed, and certainly not those which bore the stamp of royalty. An emblematic figure of Liberty would agree much better with the republican sentiments of the people. Those who favored the original plan urged that the occasion presented a rare opportunity of paying, without expense, a deserved tribute to a great and good man. Then, too, what was the Liberty of which the gentlemen of the opposition appeared to be so proud? It was little better than the liberty of savages, and not akin to that arising from law and justice. A bear broken loose from his chain would be a fit emblem of such liberty.

Republicans assail effigies on coins

No amount of ridicule or argument could change the views of the opposition. In the proposal they could discern an affinity to titles, the darling child of the Senate. Clearly it was the duty of the House to open the eyes of the people and watch over their liberties. Moreover, the

Liberty in danger

1792

greatest enemy to the President could not wish him a more serious misfortune than to be the victim of such a scheme. Evidently the Senate were somewhat surprised and disconcerted by the storm they had unwittingly raised. The House had its way, and the familiar figure of Liberty was placed upon the coins of the United States.

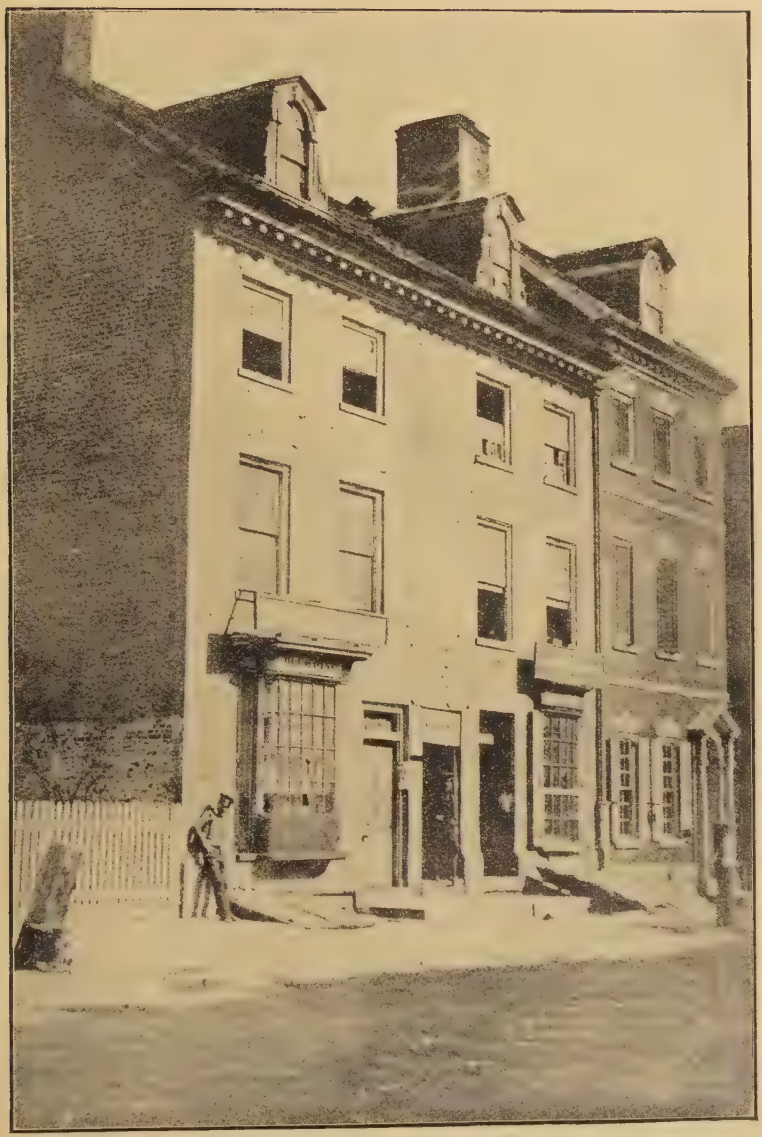
Second Congress: inscriptions on coins

Considering the dangers which threatened the frontiers, and other necessities likely to arise demanding the militia, together with the sorry showing already made, the urgent need for a uniform system was apparent. A bill introduced for that purpose provided that, within the States, every citizen between the ages of eighteen and forty-five should be enrolled for military service, and should provide himself with arms and equipments which were to be exempt from seizure by legal process. Exemption laws of the United States and the different States were to be observed; the States were to organize their quotas in brigades and divisions, and plans were formulated for regular exercises.

Militia bill

Another Presidential election was approaching, and some modifications of the methods of the preceding election were made, together with definite arrangements for the succession in case of an unexpected vacancy. The electors were directed to meet in their respective States thirty-four days preceding the first Wednesday in December, and were then to cast their votes for President and Vice-President as provided by the Constitution. The returns were to be made in triplicate, one copy being sent by special messenger to the President

Electoral College



THE FIRST UNITED STATES MINT.

1792

Electoral vote and its counting

of the Senate; a second copy was sent by post to the same officer; while the third was deposited with the judge of the District Court for the district in which the electors had assembled. In case the returns from any State did not reach the capital by the first Wednesday in January, the President of the Senate was to send a special messenger for the copy deposited in the hands of the District Judge. Congress was to meet on the second Wednesday in February for the purpose of counting the votes. In case of the death, resignation, or disability of both the President and Vice-President, the President *pro tempore* of the Senate was to succeed, and there being no such officer, the Speaker of the House. Notwithstanding the obvious arguments against such an arrangement, it remained the law until 1887.

Presidential succession

Origin of extradition act: kidnapping case

The act for the recovery of fugitives from justice and persons escaped from service arose from a combination of circumstances prophetic of the future history of the Fugitive Slave Law. In 1788 one John, a free negro living in Washington, Pennsylvania, was kidnapped by three men, and in 1791 was found to be held as a slave on the Potomac. Two of his captors had gone to Virginia, and thence, it was supposed, to Kentucky; the third remained in Pennsylvania, where an indictment was found against the three. These records were transmitted to Beverly Randolph, then governor of Virginia, who was requested to take measures to secure the return of the kidnappers to Pennsylvania. Randolph in turn asked for the opinion

1792

of his attorney-general James Innis, who held that the crime complained of must be treason, felony, or a crime over which the State making the demand had exclusive jurisdiction; for if there was a remedy in the Federal courts, or in the courts of the State in which the accused took refuge, there would be no escape from justice and no reason for the demand. Under the laws of Virginia, however, the offense charged was trespass or breach of the peace. No adequate proof had been given of the presence of the offenders in Virginia; and had the proof been submitted, how could the men have been arrested except under the laws of the State or the United States, both of which were silent in this case? There was no way, he concluded, of obtaining control of their persons, except by the unjustifiable one of force.

Legal doubts in kidnapping case

Attorney-General against extradition

Governor Mifflin at this stage sent the accumulated records to Washington. Edmund Randolph, to whom the President had submitted the evidence, did not agree with Innis, believing that conditions existed which would warrant the return; but Randolph held that a copy of the law defining the offense should have accompanied the other documents, and that the evidence did not show clearly that the persons accused had escaped from one State and were in the other. Finally the entire evidence was submitted to Congress, and the Extradition and Fugitive Slave Law was passed.

United States for it

Congress passes law for it

Under the provisions of the act, a person indicted of treason, felony, or other crime under the laws of one State, and who had fled into another,

1792

Inter-State extradition laws passed

was to be arrested and surrendered upon the presentation of a properly authenticated copy of the indictment. Fugitives from service might be arrested by the person claiming such service or by his attorney, and taken before a judge of the Circuit or District Courts, or before a county or town magistrate, who should order his return upon satisfactory evidence that the service claimed was actually due. Penalties of $500 were provided for obstruction of arrest or attempts at rescue, besides civil action for damages.

United States Court system defective

The justices of the Supreme Court presented a memorial to Congress showing that the twenty-seven Circuit Courts a year, with two sessions of the Supreme Court, imposed judicial work far beyond their strength. The distances to be traveled were quite great, they spent their nights and days at inns or were exposed to the changes of climate and seasons. Moreover, it seemed to them improper that they should be asked to review in one capacity the decisions they had made in another. Congress in reply changed the times of holding the Circuit Courts, regulated the visitations of the justices, and provided that but one of them need be present to constitute a legal session of the court.

Improved

Prerogatives

In addition to securing this particular change, the courts vindicated their standing as one of the co-ordinate powers of the government by a protest, and finally by a decision in the invalid-pension cases. A large number of applications for pensions had been made to Congress; and there being no organization for their management, an act had

1792

been passed by which claims were to be submitted to the Circuit Courts, where they were to be examined, and if favorably disposed of, the court was to issue certificates that would place the petitioner upon the pension list. Power was given the Secretary of War to review the list, and refer to Congress any applications which seemed to be doubtful or fraudulent. To this law the Circuit Court of New York objected on the ground that the three branches of government were distinct and independent; that neither the Legislature nor Executive could refer to the Judicial body any other than judicial matters; that business under the act was not judicial, since it permitted a review by the Executive or Legislature, a thing not contemplated by the Constitution. Because the act was directed toward the accomplishment of a worthy purpose, and because much suffering might result by delay, the judges Jay, Cushing, and Duane consented to serve as commissioners pending a more satisfactory arrangement. A similar protest came from Wilson, Blair, and Peters, of the Circuit Court of Pennsylvania and that of North Carolina. Finally the Attorney-General, to dispose of the matter, applied to the Supreme Court for a writ of *mandamus* to compel the Circuit Court of Pennsylvania to perform the duties prescribed by the act; but before the case could be decided, Congress had repealed the law.

Congress delegates powers to Circuit Courts

Act held unconstitutional

Repealed

When the second Congress met in final session, November 4, 1792, it was with an opposition organized for aggressive action, and determined to block

if possible any further advance toward the centralization which they feared. The one man whose plans they suspected and to whom they were most hostile was Hamilton; and the session was marked not only by the defeat of his proposals, but by a direct though futile personal attack. Hamilton proposed a plan for the payment of the entire subscription to the Bank, and further suggested paying the public debt by an ingenious system of gradually increasing annual taxes, which by 1802 would liquidate six and one half millions of the nation's obligations. Each of these propositions was referred to a committee. The committee in charge of the Bank subscription reported a bill in accordance with the Secretary's desires, but various amendments reduced the sum to $200,000, the amount specified in the charter. The other project was forgotten in the turmoil of the rest of the session.

1792

Hostility to Hamilton

Measures cut down or strangled

Soon afterward the War Department was made the subject of an investigation. A proposition was made to reduce the army, and to depend upon the militia solely for the defense of the frontiers. But whatever the defects of the army, the recent conduct of the militia had shown that no dependence could be placed there; and moreover, the exposed frontiers demanded the presence of a force whose business it should be not only to protect the settlers from attack, but to prevent encroachments upon Indian lands and the violation of Indian rights. It was unreasonable to expect of the militia the continuous service or the rigid discipline which

Attempt to reduce the army

1792-3

conditions on the edge of the settlements demanded. The volunteers could only be depended on at uncertain times to swell the numbers of the regulars.

Hamilton accused of corruption

Meanwhile the opposition had been preparing the attack upon the Treasury. Hints of corruption had been made frequently in the House; but there had been no direct charges, though they had often been invited. Finally, Giles by resolution called for detailed explanations concerning the number and terms of the various loans, the amounts to the credit of the government, and the condition of the sinking fund. It was charged that $1,500,000 had not been accounted for, that some loans were badly conducted and that others were needless.

His reply

Hamilton made the immediate reply that his critics had counted the proceeds of operations not yet complete; and while expressing regret that a matter of such minor importance required an explanation so formal in character, he compiled a detailed account of the transactions upon which the charges of his opponents were based. Giles and his friends were not satisfied, but presented resolutions, nine in number, accusing Hamilton of violating the laws by not observing strictly the methods specified in them; and censuring him for not informing Congress promptly of financial transactions with foreign countries, for acting without instructions from the President, for unnecessary borrowing of the Bank, for attempting to judge the motives of the House in the request for information, and for not complying promptly.

1790–3

Hamilton's friends in the House fought his battle bravely and well. Outside Congress the mercantile and financial interests supported him enthusiastically. The resolutions failed, but one of them receiving as many as fifteen votes. The result was a complete vindication of Hamilton personally, and an acknowledgment of his ability, skill, and integrity. There was, however, some basis for complaint upon the ground of Hamilton's choice of friends and associates. His one-time Assistant Secretary Duer was an inveterate plunger, whose failure carried to ruin a large number of small investors, reducing some of them to extremest poverty. Hamilton had, not unwisely, bid for the support of the rich and prosperous classes; and with them had come unasked the speculator, usurer, and financial parasite.

Failure of charges against Hamilton

Not well companioned

The part played by the United States in foreign affairs during the first administration was not an independent one, but consisted chiefly in trade agreements or in the beginnings of the higher forms of diplomatic intercourse. In 1790 England and Spain nearly went to war over a disputed trading post on Nootka Sound, Vancouver Island. Since the days of Captain Cook the place had been unvisited, until the English found that it might be a vantage point in the China trade. Spain had no claim to it unless the demarkation bull of Alexander VI. conferred it; but admitting the validity of that document, Spain could assert her right to the western coast of both Americas. The Spanish government heard of the post, and sent two war

Nootka Sound quarrel

1789-90

vessels to the Sound in April of 1789. The Spanish flag was raised, the English residents made prisoners, and four British war vessels captured. The news of the attack reached England simultaneously with the complaints of the Spanish ambassador and his request that Great Britain abandon the western coast of North America.

Spain tries to revive 1493

England's ire was at once aroused. The right of Spain to that part of the coast was denied, damages were demanded for the injuries inflicted, and reparation for insults to the British flag. A large credit was voted, and the fleet prepared for war.

England ready for war

Spain was helpless and hopeless without allies. An attempt was made to secure the help of Russia, but without success. France, naturally the ally of Spain, was in the first scenes of the Revolution. Montmorin, the French foreign minister, was not averse to the war; Lafayette approved it; Barnave, Robespierre, and Mirabeau opposed it, fearing that a successful foreign war would strengthen the monarchy at the expense of the newly inaugurated revolution. Spain had to make the best terms she could, therefore; and in October of 1790 a convention was signed which yielded England's chief demands, though she agreed not to approach the coast actually occupied by Spain.

Spain yields

The incident aroused great interest in the United States. Jefferson believed that the alliance between France and Spain would be formed, that war would follow, and whether the contest were long or short, it would increase the price of wheat for some years, and make the United States

Jefferson disappointed

1789-90

a prosperous and happy nation. While the matter was in dispute, Jefferson thought the time a favorable one to urge the right to the navigation of the Mississippi. The United States must be the enemy of Spain so long as the river was closed, and our envoy in Paris was told to suggest to Montmorin the desire for a port of deposit at New Orleans.

Trying to obtain Mississippi rights from Spain

In the event of a war, it was not unlikely that an attempt would be made from Canada upon the Spanish territories west of the Mississippi; and the President asked the opinions of his Cabinet as to the proper reply if Great Britain asked permission to move her troops through the territories of the United States. A messenger, Major Beckwith, was sent to find out the probable attitude of the United States in case a war began; and this messenger talked of a treaty of alliance and commerce with Great Britain. In the West it was said that 5000 men could be raised to wrest Florida from Spain, in return for the free navigation of the Mississippi. These people had no love for Spain for the part she had played in the Revolution, and they were thoroughly exasperated because of the closing of the river. A successful expedition would bind them to British interests. The general government did not favor the war as a matter of policy, and public sentiment could not yet countenance an alliance with England. "A strange people," said one correspondent: "a nation of English principles and Roman ideas; every man of a hundred pounds a year is a prince. There is no distinction; Speaker of the House or Presi-

Alliance with Britain proposed

Disfavored

1790 et seq.

dent of the Senate to-day, a carpenter or grocer to-morrow." The United States was committed to neutrality, and declined all overtures.

Cessation of hostilities removed all grounds for British friendliness, and that power lapsed into her former attitude of indifference. The North-western posts controlled the avenues of Indian trade, and were points of great strategic value should anything happen unexpectedly to disturb the peaceful relations between the two governments. Great Britain treated the border lands with some degree of friendliness. Physical conditions had not yet been neutralized by steam. The people of the West were commercially nearer the British posts by way of the Lakes, or the Spanish posts by way of the Mississippi, than they were to the United States upon the eastern slope of the mountains. It was the object of the British government to extend and strengthen its control over the Indians. McGillivray, despite the treaty, was on good terms with Spain, and excused to England his recent alliance on the ground that British support had been withdrawn from the tribes.

England and north-western posts

And the Indians

England was an interested observer of the actions of Congress, although the information furnished by her friends was often misleading. Any weakness on the part of the United States would be turned to the profit of England if possible. The chief grievance was the matter of the British debts, which was made the ostensible ground for delaying any definite arrangements between the two countries. After the treaty of peace, several of the

The British debts

States passed laws obstructing the collection of these debts. The commissioners had promised to recommend the repeal of such laws; the promise had been kept, and gradually the States complied with the recommendation, though some of them, not unwisely, sought to protect their citizens from the ruin which might ensue from an immediate enforcement of these measures. The debts were simply a convenient excuse. Great Britain, without asking favors, controlled American commerce, took what she wanted at her own prices, entered American ports without any especial restrictions, barred the United States from remunerative trade with Great Britain or her dependencies. All the advantages of the situation that were worth having she already possessed.

1783 et seq.

American debts and British commercial monopoly

Mediterranean commerce had been begun during the Revolution, but was entirely at the mercy of the Moorish natives of North Africa, to whom most of the nations of Europe paid large sums for exemption from piratical seizures. Two American vessels had been taken in 1785, and twenty-one persons from them sold as slaves. Various attempts had been made to ransom the unfortunates, but without success. In 1787 another effort was made through the General of the Mathurins, an order established in the days of the Crusades for the rescue of captives from the hands of the Infidel. The United States hoped through his agency to secure the release of the captives at a moderate price, but Algiers demanded $550 for each prisoner; not a large sum when England and

The Moorish pirates

1786 et seq.

The Moorish pirates

Russia had recently paid $1500 and Spain $1600, but large enough to establish a dangerous precedent and direct inducements to further attacks. The true way of dealing with the question was that proposed by Comte d'Estaing in 1786. He proposed a continued joint blockade of the North African Coast, and reprisals, until such time as the Moorish nations should agree to desist from their piratical practices. But the European Concert of 1786 was as lacking in harmony as later, and the project was never seriously considered.

Bargains over their American prisoners

In July of 1790 there were fourteen captives surviving, and negotiations for their release were again begun. Again the sums demanded were so great that the matter was dropped. Two years later the Senate agreed to pay $40,000 for the release of the survivors, now thirteen in number, and in addition $25,000 annually as the price of a permanent peace. John Paul Jones was appointed to negotiate a treaty, but died at Paris on the eve of setting out for Algiers. The work was then committed to Barclay, who had recently made a satisfactory treaty with Morocco; but death again intervening, the task fell to David Humphreys, minister to Portugal, and required some years yet.

Foreign embassies

By 1791 diplomatic intercourse with foreign countries began to assume a definite form. In August of that year George Hammond arrived in America, bearing credentials from the British government; France replaced the unsatisfactory Comte de Moustier by M. de Ternant, who solicited and obtained assistance for the suppression of the

revolution in San Domingo. The United States appointed Thomas Pinckney as minister to England, Gouverneur Morris to France; William Short was transferred to Holland; David Humphreys was accredited to Portugal and William Carmichael to Spain. 1791-2 Foreign ministers

As Washington's first term began to draw to a close, he expressed his intention of declining a re-election. After the Revolution there had been but a short time in which to recover from the financial and physical hardships imposed by that struggle. Then he was called to fill the office of first President of the Republic, to establish precedents, to formulate policies, to allay sectional strife, to guide a new nation through the experimental stage. But there had been some opposition to a long presidential term, and this may have affected his views concerning the propriety of a second. Washington wishes to retire

His intention was combated from all quarters as soon as it was expressed, and no one opposed it more strongly than the two rivals of the Cabinet, Jefferson and Hamilton. Jefferson opposed Washington's plan of quitting office because of circumstances which had a disquieting effect upon the public mind. These were the public debt, which many believed to be unnecessarily large; the impost, which was producing a clamor; and an excise law of an odious character, partial in its operation and unproductive unless enforced by arbitrary means. People of Jefferson's mind believed that the methods taken to pay the public debt had operated to drain the country of three millions of specie Dissuaded by both parties Jefferson's reasons

1792

annually, by transferring the public securities to foreign holders; that ten or twelve per cent. interest was paid to that engine of paper circulation, the Bank, encouraging speculation and promoting idle and vicious habits, furnishing means for corrupting legislators. Finally, they believed that the party in power had shown a disposition to override or set aside the limitations established by the Constitution. To prevent these dangerous tendencies, to quiet popular fears, the continuance of Washington as President was of the highest importance. In him there was the most implicit confidence; his presence alone would be a sufficient security against these Jehus of monarchy; public regard for him was the strongest bond of union.

Second term for Washington

Jefferson's reasons

Hamilton insisted no less strongly than Jefferson that Washington should consent to accept the office a second time. From the remarkable success which the policy of the administration under Washington's guidance had attained, he drew the justification of its motives. Some of Jefferson's charges were denied; others were admitted, but the results attributed to them by Jefferson were held to be false, and any notion of a monarchy was disclaimed. Washington did not believe that there was in the United States a political party strong enough to bring about such a change. However much Hamilton and his followers favored monarchy in the abstract, they had no intention of introducing it in America by means of their own; though many of them believed, and sincerely, that the rapid spread of republican principles, which

Hamilton's

1792-3

they deplored and could not understand, would lead to a condition of anarchy from which the people would seek protection behind the strong ramparts of a monarchy. Each party feared the other, each party attributed to the other principles and intentions foreign to it, and each party urged Washington to remain in office as the sole means of salvation from an approaching crisis.

Washington the refuge of both parties

It was certain that every electoral vote of the 132 would be given to Washington. For the second place the principal candidates were Adams and Clinton, since another Virginian was ineligible by the Constitution. The candidacy of George Clinton was a surprise to many, and an indication of the progress of the operation of fusion between the old Anti-Federalist party and the new Republicans. When the returns were counted, it was found that every vote had been given to Washington; Adams had received seventy-seven, Clinton fifty; Jefferson was complimented by the four votes of Kentucky, and Burr received one from South Carolina. Clinton had the entire electoral votes of Georgia, North Carolina, Virginia, and New York, a result the more surprising because of the feeling in New York aroused by the last local election. Clinton and Jay were the rival candidates for the gubernatorial office. The election was a very close one, and apparently Jay was successful; but the votes of three counties, Clinton, Tioga, and Otsego, were thrown out upon technicalities by the canvassers, who based their action upon the arguments of Aaron Burr. In one case

Electoral vote 1792

New York State campaign

Burr's sharp scheme

1792–3

it was a question as to whether a sheriff continued in office until the qualification of his successor, although the term of office had expired; in another the returns were in two packages instead of one as prescribed by law; and in the third a deputy sheriff delivering the returns fell sick and forwarded the documents by a messenger, who was held not to be legally a deputy. Jay's friends were furious over the result; indignation meetings were called, and it was proposed to inaugurate him by force. But Jay would not be a party to any such action, and advised his friends to take their revenge at the next election, at which it was seen that Clinton's party had lost but little strength.

Jay beaten by "politics"

Tide running for Republicans

The first administration closed with two well-developed parties in the field, led by two of the most remarkable men who have ever appeared in American politics. Hamilton was a statesman of the European school, Jefferson a theorist by whom the political systems of Europe were condemned. Neither man understood the other. Each suspected the other's motives and intentions. "Hamilton's corrupt squadron" driving straight toward monarchy was as much the creation of the imagination as were Jefferson's "violent passions and overweening ambitions." Each man was sincere in support of his own theory; each believed the other to advocate principles which would eventually destroy the government. It was in Washington's second term that the full strength of party sentiment developed, and that a genuine feeling of American nationality began to appear.

Hamilton vs. Jefferson

Nationalism growing

CHAPTER LV.

WASHINGTON'S SECOND ADMINISTRATION

1792

Formation of parties

Early in the year 1792 the rapidly forming political parties began to base their arguments upon theories rather than facts; began to declare the principles of their organization. Political theories became the objects of praise or censure; men were Federalists or Republicans, they were British or French in their sympathies, they were monarchists or democrats and were lauded or vilified accordingly. The individualistic spirit grew in strength as the notion gained ground that the men in office were disposed to extend to the utmost the powers bestowed by the Constitution, and to construe grants under that instrument with the greatest liberality. Financial measures, surprisingly successful in themselves, had established a close connection between the government and the controllers of capital. It was said that in the assumption of State debts the welfare of those who owed the debt had been sacrificed to the interests of those who owned it; that the South had suffered, the North been benefited. And finally it was generally admitted—sometimes with satisfaction, oftener with discontent—that the government was distinctly though mildly aristocratic; that there was a marked deference to wealth and official

Grudge against aristocracy

1792

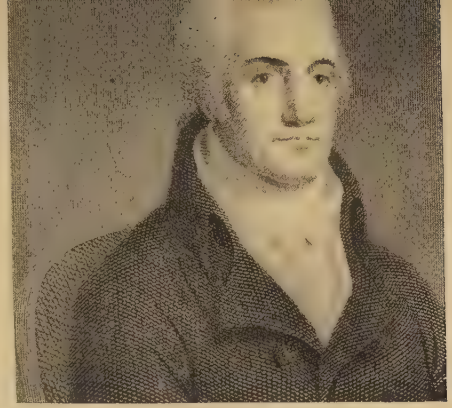
position. On the other side was a deep-seated distrust of the masses, and all existing evils or misfortunes which had threatened the welfare of the States were held to begin in democracy.

But within and without the United States the tendencies of the times were democratic. Canute by the seaside could no more stay the ocean's rising tide than Adams, Hamilton, and the advocates of the "well born" and leisure classes in politics could prevent the oncoming flood of democracy. Before the surface of the political waters cleared again, some had found safety by going with the current, others suffered political shipwreck and ruin. The movement in America was but a part of the larger movement affected and modified by local conditions and American theories. It was not necessary that America, or any man or country of English origin, should pass through the purifying fires of a French Revolution; but much remained to be done if the doctrines of democracy were to be generally accepted. Somewhat more than forty years later, an acute observer of life and politics in the United States asserted that the real purpose of parties was on the one hand to limit, and on the other to extend, the authority of the people. It was a part of the work of Jefferson and his followers to establish the belief that the source of all government is in the people.

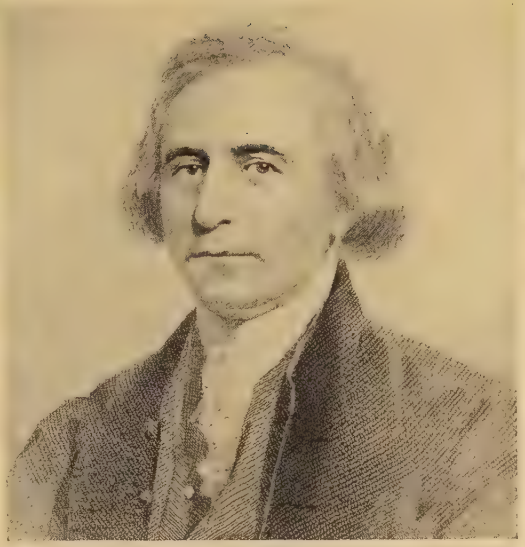
Rising tide of democracy

Primary basis of parties

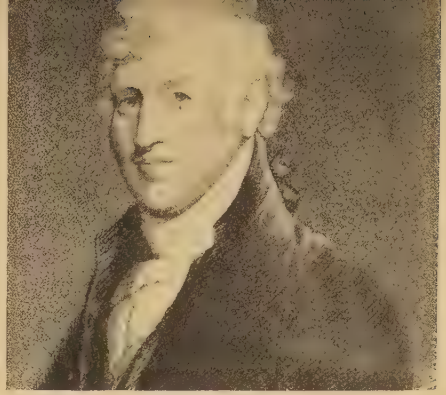
The people of the United States, following English practices, had conducted their political and religious discussions in a prodigious number of pamphlets. This was the favorite mode until



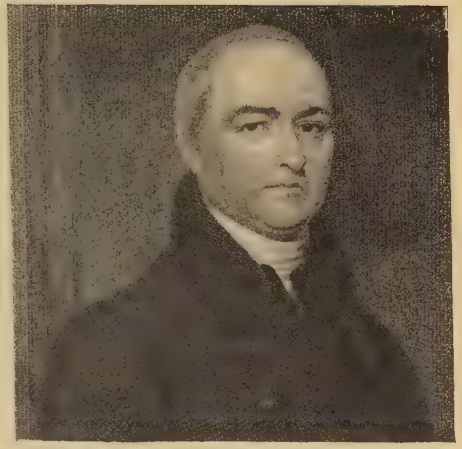
JOEL BARLOW.



PHILIP FRENEAU.



DAVID HUMPHREYS.



TIMOTHY DWIGHT.

JOHN TRUMBULL.

AMERICAN LITERARY CHIEFS, LATTER PART OF THE EIGHTEENTH CENTURY.

1790, etc.

Newspapers and magazines

the rise of the newspaper, which at this time was beginning to assume something of its modern character—with a fund of scurrility and abuse, however and employed with a freedom, which no modern reputable paper would permit. *Oracles, Mirrors, Gazettes, Packets, Centinels,* and *Heralds,* with a few magazines such as Matthew Carey's *American Museum,* and the *Universal Asylum and Columbian Magazine,* supplied the people with information both new and old. Articles on science, theology, medicine, surgery, and agriculture appeared side by side with moral and philosophical reflections. Labored advice to bachelors and spinsters, with letters to young ladies, were varied now and then by exhortations to unhappily mated couples on the privileges and duties of wedlock. The last ten or twelve pages were the playground of the Muses, who disported themselves after the lumbering fashion of the eighteenth century. Occasionally these efforts were relieved by the more natural verses of David Humphreys, Freneau, Joel Barlow, or Dwight. The *Anarchiad* and a *Song for the Massachusetts Insurgents* revealed the dangers of Anti-Federalism. The afflicted everywhere were cheered by the *Ode to a Man with the Jaundice.* Patriotic poems of all kinds abounded; there were sonnets innumerable lauding local beauty or local wit, while the pleasures of Western life were but half revealed by verses in praise of "puppy, squaw, and gun."

Prominent authors

Classes of writing

The administration paper was the *Gazette of the United States,* commonly known as *Fenno's*

1790, etc.

Gazette, an organ most dangerous to democracy; "at the beck and call of the Treasury, a paper of pure Toryism, favoring the exclusion of the people from politics." To counteract this influence a new paper was started, the *National Gazette;* edited by Philip Freneau, who had been a classmate of Madison at Princeton, and to whom Jefferson presently gave the position of translating clerk in the Department of State. In addition to the *National Gazette* there was the *Advertiser,* soon to become more famous as the *Aurora,* edited by Benjamin Franklin Bache, a grandson of the great philosopher. Freneau's paper at once began to attack the administration to the extent, said Washington, of leaving nothing unassailed; and furthermore, was even insulting in its tone toward the President. To all insinuations that the protection of the Secretary of State should be withdrawn, Jefferson remained deaf, believing that the paper was necessary for the proper information of the people. Madison thought a "free paper meant for general circulation, and edited by a man of republican principles and a friend of the Constitution, would, in part, counteract the doctrines and discourses circulated in favor of monarchy and aristocracy." No little disturbance was made. Jefferson was accused of being the chief contributor to Freneau's paper; which Freneau on oath denied, but some years later repudiated the denial, and pointed out the articles which he said Jefferson wrote. Be that as it may, Jefferson was of the same mind as Freneau, and the paper was a

Party organs

Attempt to suppress Freneau

Relations with Jefferson

faithful exponent of his ideas, as well as of those of Madison and the leading democrats. It is certain that Jefferson approved of much that was published, and protected Freneau in his place under the administration he was attacking. Hamilton over the signature of "An American" attacked Jefferson, Freneau, and the *National Gazette,* contriving only to increase the acerbity of party temper. Freneau published the *Gazette* until the plague broke out; a visitation, some pious men believed, designed to bring to naught the efforts of the growing body of French sympathizers.

1792

Freneau and the "Gazette"

In the United States, men had followed with sympathetic interest the beginning of the French Revolution. Many of the actors prominent in the early days of that terrible epoch were well known in America. They were members of a class which not only made the French Revolution possible, but which had braved royal disfavor to support the doctrines of liberty and to assist the colonies in throwing off the English yoke.

U. S. and French Revolution

For many years the vitality of France had been in process of change from the court and church to the people. Both church and court had ceased to fulfill their functions, to keep pace with the popular advance, or to bear a proportionate share of national burdens; the people, long deprived of any share in the government and affected by the theories of the philosophers, had noble but impractical ideas of the duties of citizens. A clear-sighted if somewhat harsh critic, Gouverneur Morris, said of them: "They have no religion but

French society

1789-92

their priests, no law but their superiors, no morals but their interests." Now in the crisis both priest and noble failed; the revolution passed into the hands of men who adored and published abstract truth as they understood it, but not often can abstract truth be made the basis of administration. From the hands of the lawyers and republican nobles and clergy the reins of power fell into the hands of the lower classes. Again this was repeated, and with each change France was drenched with blood. Moreover, the French Revolution was universal in its doctrines. It had no country; it tried to convert all nations to its theories, and to support its argument turned naturally to the republic beyond the Atlantic.

Opening of French Revolution

Events in France were described and commented upon in the newspapers; French successes were hailed with joy, and each deed in the destruction of the old system was announced as the harbinger of the Golden Age. It is not remarkable that the first bloody scenes were looked upon as riots, the necessary reaction from an excess of despotism; nor was it to be expected that Americans would in general deplore the dethronement of the King, whose many excellencies they admired and whose stupid virtues had contributed so greatly to his misfortunes. Gentlemen of Baltimore, "Friends of the Rights of Man," met December 20, 1792, to celebrate the triumph of liberty over despotism. A week later in New York, a liberty pole was erected, surmounted by the red Phrygian cap, the symbol of transition

General American approval

Early successes celebrated

from slavery to freedom. The bells rang, the people cheered, and Tammany feasted. 1792–3

Boston soon joined in the rejoicing. The *Centinel,* in delight over the Prussian retreat, suggested a dinner at which French and American freemen might congratulate each other upon the progress of liberty and equality. A committee was appointed to arrange the affair, which was set for the 24th of January. The day was ushered in by a salute from the Castle. At eleven a monster procession was formed, led by Citizen Waters, the marshal; then followed the band, and a barbecued ox, with gilded horns from which streamed the Red, White, and Blue of the two nations; then groups of citizens and advance and rear guards, carts filled with eight hundred loaves of bread and hogsheads of punch. Streets, houses, and chimney-tops were filled with admiring males, and from the windows and balconies "bevies of amiable and beautiful women" warmed by their smiles the outside atmosphere, and "cast a lustre over the festive scene." Long tables were set in the streets, at which the commonalty dined upon the ox and bread, and drank the punch in toasts to the success of liberty everywhere. Even the little children were not forgotten, for each received a civic cake with "Liberty and Equality" stamped upon it. "To the feeling heart, the sight of the little ones thus feasted was extremely gratifying;" and also to the juvenile taste, let us hope. Meanwhile the dignitaries had met in Faneuil Hall, where a formal feast was held at which Citizen Samuel Adams

Boston celebrates defeat of Prussians

1793

presided. Flags and banners, inscriptions to peace, justice, liberty, and equality adorned the hall. The success of the French was cheered to the echo, and the enthusiasm found practical application in a popular subscription, by which prisoners for debt were released from jail and bidden to join in praise of liberty.

Jubilations over French successes

In Charleston there was a public service at St. Philip's Church. A *Te Deum* was sung, an oration followed, and afterward those present joined with great enthusiasm in singing the *Marseillaise*. That night at Williams' Coffee House a Civic Feast was held. Philadelphia was in a state of continuous rejoicing. The French Society of the Friends of Man was formed, and on February 6 the anniversary of the Alliance was made the occasion for the celebration in the true French fashion.

Anniversary of French alliance celebrated

When the news of the September massacres reached the United States, it was seen that the Revolution had passed beyond the control of the moderate party. The execution of the King in January of 1793 terrified the conservative classes in England and on the Continent, caused the union of monarchs to preserve their thrones, compelled the internal unification of France by the bloodiest measures, and brought about a decided change in public opinion within the United States. The change from a monarchy to a republic was not one which Americans could disapprove. There were those whose sympathies with King Louis were not strong enough to cause them to perceive any

Terrorist bloodshed produces reaction

injustice in his fate, while the execution suggested to one patriot the propriety of a monument to Dixwell, Whalley, and Goffe, the English regicides; but the challenge thus boldly flung by France into the face of Europe meant war with England and Spain, and England and Spain were the neighbors of the United States, which was bound to France by the treaty of 1778. By this agreement the ports of each nation were open to the prizes taken by the other, and shelter denied to the vessels or prizes of any hostile power; moreover, the United States had guaranteed to France the possession of the French colonies in America, as they were when the treaty was signed.

1793

France likely to draw America into war

By November of 1792 France was fully engaged in her revolutionary mission. On the 19th the people of Nassau-Saarbrücken prayed for deliverance from despots by the power of French arms, and the famous decree was issued offering aid to all nations striving for freedom. London clubs sent sympathetic messages from England, Basle established the Rauracian Republic, Geneva was in a ferment; and Grégoire, presiding over the Convention, uttered the famous words, "All governments are our enemies, all peoples are our allies; either we shall fall or all nations will become free." Meanwhile in England there had been for a time a genuine desire to keep the peace: but London and the larger towns were the seats of Democratic clubs, which demanded extension of the franchise and reforms in Parliamentary elections, and with the leaders of these clubs the

Proclaims war against all governments

English affiliations

1793

French revolutionists maintained close relations; plots were laid for an armed rising, and the newspapers of Paris endeavored to fan the somewhat feeble flame of British revolt. Pitt had been pursuing in his own way the policy of reform, a policy now suspended until the close of the Napoleonic wars. The faith in the principles of the French Revolution, shaken by the events of the 10th of August, were turned to horror by the September massacres. England prepared for defense, but as yet had no thought of offensive war. In 1788 Great Britain had guaranteed to the House of Orange its former position in Holland, and had reclosed the Scheldt to the Dutch; in 1790 had promised to secure the Emperor's position in Belgium. The plans of France made these agreements impossible, and threatened to disturb the relations of the powers throughout Europe. From the time that France refused finally to cease from interference in Belgium, the war was only a question of months.

England frightened into reaction

Forced towards war

Soon after the inauguration, word was received of the outbreak of hostilities, begun not by England as had been expected, but by France, now coming more and more under the control of the Jacobins. Washington summoned the Cabinet at once to Philadelphia, and there the question of a definite foreign policy was discussed. A satisfactory result was not at once forthcoming. There was the old feeling of gratitude toward France, deepened by the corresponding dislike of England —a feeling of gratitude that was transformed into

France begins it

Discussion of American policy

genuine enthusiasm for the cause of democracy. On the other hand the commercial and trading sections of the country, the cities and New England, were drawn to the side of Great Britain by material advantages; by sentiments developed by similar political theories and conservative tendencies. 1792 Sectional sympathies

Jefferson complained that the discussion was confined within limits previously set by Hamilton, but with most of the arguments he found himself compelled to agree. The questions to be determined were the advisability of a special session of Congress, the declaration of neutrality, the effect of the French Revolution upon the treaty of 1778, and the reception of a new minister from France. No one believed that there was any need of a meeting of Congress—all were agreed that a diplomatic representative should be received from the new republic, and there was agreement also upon the wisdom of a neutral position; but there were decided differences upon the interpretation of the treaty. France had a right to change her government, it was true; but since the change had also broken the peace of Europe, could the United States be expected to fulfill the terms of the original agreement? Moreover, privateers of France were admitted with their prizes to the ports of the United States,—ports closed to the enemies of France. Hamilton found many reasons for setting aside the treaties: they had been made with King Louis, and not with the leaders of a mob who posed as his successors; in addition, the clause Duties and interests as to French Revolution Under former treaty

1793 April

guaranteeing to France the perpetual possession of her colonies in the West Indies could be held to apply only in the case of a defensive war.

Washington's proclamation of neutrality

The President's proclamation, dated April 22, stated that the duty and interest of the United States led the government to adopt in good faith and sincerity an impartial and friendly conduct toward the belligerents; that the government would not protect citizens who violated the laws of nations by aiding the hostile parties, and would punish any violations of neutrality committed within its own territories. Nothing was said about the guarantee of the French colonies; the validity of the treaty was tacitly recognized, but the subject was vaguely treated so that public policy might be changed to meet any contingency that might arise. Soon afterward France herself invalidated a part of the treaty by not respecting the rights of neutral vessels; but enough remained to form the basis of later and annoying claims.

Treaty obligations vague

Arrival of Genet

While the measure of cordiality to be extended to the French minister was still under discussion, that official had arrived, and was received by the people with sincere and superabundant enthusiasm. The father of Edmond Charles Genet had been for forty years in the department of Foreign Affairs, and his own diplomatic training began at an early age. His sisters were famous: Madame Campan, the faithful friend of Marie Antoinette, the teacher of Hortense Beauharnais, the protégée of Napoleon; and Madame Angine, celebrated especially for her beauty and her wit. Before he

1793 April

Genet

reached the age of thirty Genet had served at Berlin, London, and Vienna, and was at St. Petersburg, whence he was dismissed when the news came of the dethroning of Louis XVI. He had previously embraced with enthusiasm the doctrine of the Revolution, and a spirited protest against the action of Russia won him the favor of the Girondists at home. In common with Danton, Brissot, and Lebrun, Genet believed in a proselyting democracy which should destroy the thrones of kings, and erect upon the ruins republics allied with France. He had been successful on such an errand at Geneva, and now, partly as a reward for his services, was sent upon his present mission.

Object of mission to U. S.

Genet was instructed to represent to the United States that France was in sentiment and fact a strong and natural ally; that only the selfishness and hatred of liberty displayed by the royal government had prevented the closest relations between the two countries—it had prevented the United States from attempting the conquest of the Floridas, Canada, and Nova Scotia, had sought by underhanded methods to stifle liberty and quench the sympathetic zeal of Frenchmen for the New Republic, and ended by fostering friendship toward England and dislike of France. The Republicans who replaced the "supporters of a degraded despotism" set about to repair these wrongs, to renew and perfect commercial relations, to favor in every way the extension of the Empire of Liberty; in the belief that this policy would

1793

soon free Spanish America, would open the Mississippi to the people of Kentucky, would loose the French of Louisiana from the tyrannical yoke of Spain, and perhaps add to the American constellation the beautiful star of Canada.

Genet commissioned to rouse Americans

The only obstacles in the way of the execution of this great project were the Americans themselves, and the chief duty of Genet was to convince them that their true interests were identical with those of France. Should the government hesitate, he was nevertheless to take all allowable measures to plant in the soil of Louisiana and the States bordering on the United States the seeds of liberty and independence, and in this laudable work it was supposed that he would have the support of Kentucky. Genet was directed to send agents to Louisiana and Kentucky, but was warned not in any case to transgress the laws.

And make new treaty

Supplementary instructions were given to Genet to make, as soon as possible, a new treaty upon the general lines of that of 1778, but binding the two nations more closely together. At the same time he was warned to beware of English partisans: and was directed to represent to the Americans that aid to France would be but the just price for the independence which the help of France had secured; to insist upon the articles of the treaty respecting the privileges accorded to privateers and prizes of France, and the restrictions upon those of other nations; to procure reciprocal commercial concessions; and finally, to cultivate those Americans who might be most useful to him in

bringing his negotiations to a successful conclusion, but to avoid the snares of the partisans of George III., the *émigrés* and refugees from San Domingo who had been busy spreading doctrines dangerous to liberty in the cities of the United States. When we consider the nature of these instructions, the obligations under the treaty of 1778, and the character of Genet, the wonder is that relations between the new minister and the government to which he was accredited were not more stormy

1793

Genet's instructions

On the 8th of April, 1793, the French frigate *L'Embuscade* entered the harbor of Charleston, the liberty cap adorning her mast-head and with Citizen Genet on board. He was met by the French consul Mangourit, who had prepared the way skillfully for his reception, and had already sown the seeds of intrigue in the West. The new minister went first to call upon the governor, General Moultrie, met the Senators and Representatives, and was most enthusiastically received by the people. According to Genet's account, the accord was perfect between the governor and himself. Operations were at once begun to fit out privateers,—the *Republican,* the *Sans-Culottes,* the *Anti-George,* the *Patriot Genet,*—and to procure munitions of war and supplies. Meanwhile the report was abroad that two British war vessels were cruising off the coast, and Genet set off for Philadelphia by land.

His arrival

Begins arming privateers

The journey was like a triumphal procession. From towns and villages and country homes the

1793 April–May

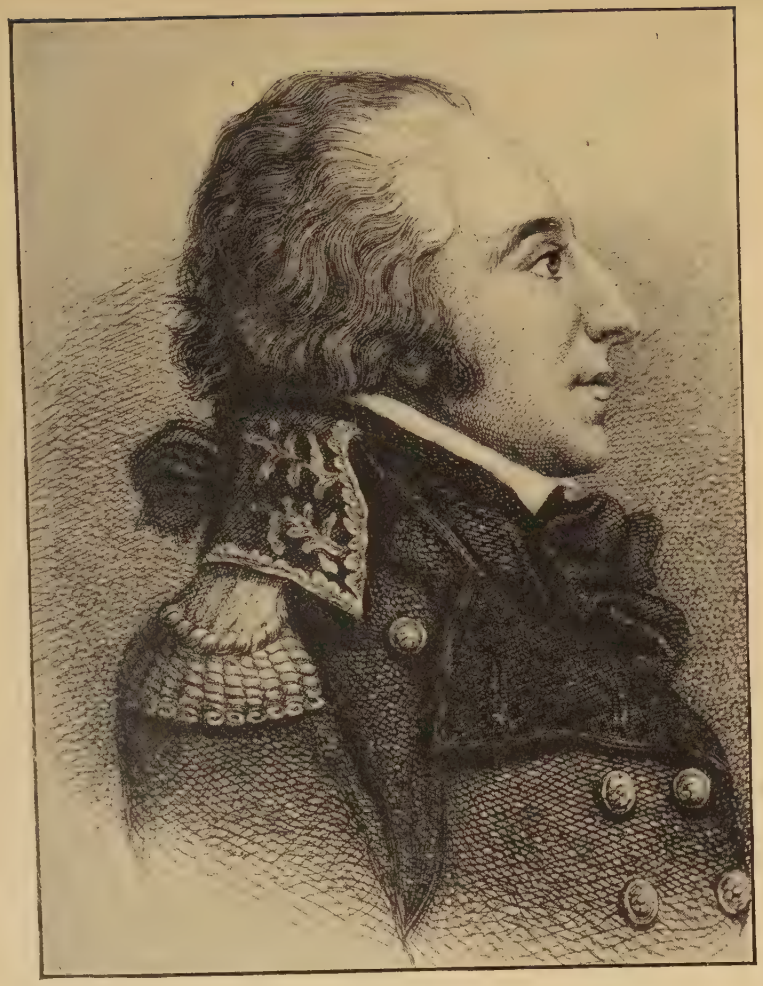
Genet's progress

people flocked to see the charming foreigner, who prided himself upon the fact that he had discarded all of the stiff dignity of the old régime, and who met men everywhere upon the bases of equality and fraternity. More supplies were offered than he could buy or transport; civic feasts were held at many places along his route: and he concluded that whatever the attitude of the government might be, the sympathy and interest of the citizens were assuredly on the side of France. Nor was this impression inaccurate, save in one respect. Gratitude for past favors, dislike of the party whose tenets were those of a British aristocracy rather than of the New World democracy, had affected the people, and popular opinion everywhere was favorable to the cause represented by Genet. But to go to the lengths that he demanded would be to engage in the war as an ally of France, to lose the advantage of neutral trade, to expose the frontiers to a destructive war guided and supported by England and Spain. The situation was one in which sympathy must give way to more selfish but sounder motives; and Genet by his failure to understand this fact, by his mistaken views of the American government, and his ungovernable temper with lofty but unpractical ideas, contributed greatly to his own defeat.

Misunderstands popular enthusiasm

Up the Delaware

On the 2d of May, the *Embuscade* with two prizes made her way up the river to Philadelphia. On the top of one of her masts was the liberty cap; from others streamed banners emblazoned with mottoes, indicating her purpose to destroy tyrants



E. C. GENET.

MADAME GENET.
(Cornelia Clinton.)

and defend the rights of man. The people hailed her with delight, and public excitement increased until the arrival of Genet himself on the 16th. Horsemen stationed at intervals along the road announced his approach; the *Embuscade* fired signal guns; many citizens gathered at the state-house, and went thence to Gray's Ferry to welcome him. The following day, addresses of congratulation were received; among them communications from the German and French Republicans, and from a committee including David Rittenhouse, A. J. Dallas, and Peter Duponceau. On the 18th he presented his credentials to the President, and was formally recognized as the minister of the new republic.

1793 May-July

Genet arrives at Philadelphia

This ceremony cooled the super-heated fancies of Genet. First, he was annoyed to find in the President's house representations of Capet; then there were obstacles of all sorts—due, as he rightly believed, to the President's desire to allay popular feeling before it reached a point where neutrality would be violated. That same night, however, he was present at a dinner where his wounded pride was in some measure healed. There were speeches, toasts, and patriotic songs; fraternal embraces followed, and the liberty cap was sent round the table that each might wear it in turn. The 4th of July commemorated equally the independence of the United States and the emancipation of France; and on the 14th, the anniversary of the fall of the Bastile, there was an unprecedented display of republican enthusiasm.

Vexed at the government's neutrality

But cheered by popular enthusiasm

1793 June et seq.

Meanwhile, June 19, Genet had reported that he was collecting provisions for the colonies. He had requested an advance upon the debt due to France, which he proposed to spend in munitions and supplies. He was also stirring up the Canadians to throw off the English yoke, and was arming the people of Kentucky for a descent upon New Orleans, which was to be supported by sea by the war-ships and privateers. In these various attempts, Genet speedily came into conflict with the government of the United States. The Secretary of the Treasury informed him that there was no money to anticipate payments of the sums due to France; and in any case, such advances might be considered to be violations of neutrality. With respect to the new treaty by which it was intended to bind the United States more closely to the interests of France, he was informed that treaty-making was a function of the Senate, and must be deferred until the meeting of that body.

Genet using U. S. as base for war on England

Checked by government

These efforts of France were closely watched by the friends of Great Britain. The first minister plenipotentiary to the United States was George Hammond, who had been secretary to David Hartley during the peace negotiations after the Revolution, and had acquired a considerable knowledge of American affairs. In 1793 he married the daughter of Andrew Allen of Philadelphia, and the activities of Genet disturbed the quiet of his honeymoon. Hammond lodged a vigorous protest against Genet's conduct, to which the latter replied that the privateers were owned by French

British minister protests

mercantile houses; that there was no law prohibiting American citizens from enlisting in French service; and finally, that his actions were warranted by the terms of the treaty of 1778. 1793

It was not long, however, until Genet was informed through official channels that the fitting out of privateers must cease; and that the *Grange*, which had been taken in American waters, must be returned to its owners. Instructions were sent to Federal officials to be on the watch for all violations of neutrality; the *Patriot Genet*, which had arrived at Philadelphia, was ordered to leave port; and indictments were found against Gideon Henfield and John Singletary, who had brought a French prize into port,—for the crime, as Genet put it, of "serving France and defending with her children the common and glorious cause of liberty." The government's action was a timely one; for all along the coast from Boston to Charleston, privateers were preparing to sail. The sloop *Polly*, rechristened the *Republican*, had been seized by militia acting under the orders of Governor Clinton, as she was preparing to leave New York harbor; an action which led to an insolent letter from the French consul to the governor, and another of like nature from Genet to the Secretary of State.

The government tries to suppress Genet

Privateering begun

A violation of neutrality more annoying to the government occurred in Philadelphia in July. One of the prizes brought in by the *Embuscade*, the *Little Sarah*, had been renamed *Little Democrat* and was being refitted, probably to form one

The Little Democrat"

1793

of the squadron intended for the attack upon the mouth of the Mississippi. The matter came to Hamilton's notice while Washington was at Mount Vernon. A Cabinet meeting was held, at which it was decided to ask Genet to promise that the vessel should not sail before the will of the President could be known. This promise the French minister refused to give; explaining that it was unnecessary, since the time needed to equip the ship would exceed the President's absence. Jefferson placed the most favorable construction upon this statement, but Hamilton and Knox trusted more in a battery which should command the river. On the 11th of July, Washington returned, and at a Cabinet meeting on the 12th, it was decided to hold the privateers of both England and France in port until their legal status could be passed upon by the Supreme Court; but meanwhile the *Little Democrat* had dropped quietly down the river and out to sea. This defeat was soon followed by others. The Supreme Court declined to render any opinion, since a test case was not before it; the District Court of Pennsylvania disclaimed jurisdiction in the case of the *William* of Glasgow, a prize brought in by the *Genet;* while as a climax, a sympathetic jury acquitted Gideon Henfield, who was shortly afterwards given a congratulatory dinner by the French minister.

Genet evades the government's demand

Then forestalls it

Apparently gains ground

The Cabinet met August 1 to consider what should be done with Genet. Hamilton proposed to publish all of his official letters as an appeal to the people. Jefferson, in common with other

Cabinet sits on his case

1793

friends of France, believed the conduct of Genet to be in the highest degree injurious to the real interests of the country he misrepresented. They believed also that neutrality was the proper policy for the United States, as well as the most beneficial to France, because there were opportunities of assistance open to neutrals that would be closed to allies. They feared that a complete exposure of the strange actions of the French minister would destroy all favorable opinions of France, and react against those who were known to be her champions. On the other hand, they held that to make public all of his communications would rally about him his warmest supporters; would tend to increase factional feeling, already too virulent; would seem to be something of a persecution; and finally, would give him an importance to which he was not entitled. If left alone, it was certain that he would sooner or later work his own ruin.

Jefferson vexed with Genet

But advises against government action

A letter from the French government dated July 31, was then on its way to Genet,—a letter in tone more severe than any he had received from the United States. He was reminded that all his proceedings at Charleston were irregular and to the highest degree discourteous, since he had not at that time been formally received. His excuse, the nature of his instructions, was a worthless one; since it could not be supposed that the Council would authorize him to exercise proconsular powers within the territories of a friendly nation. Moreover, he had been sent to treat with the government, and not with the people; to be the

French government reproves him

1793

French government rebukes Genet

representative of the French Republic, and not the head of an American party. What would be thought in France, he was asked, of an envoy of a foreign state who should propose to call a meeting of the National Assembly? He was advised to win the confidence of the authorities, to be guided by reason rather than enthusiasm, and was told plainly that he had been duped and dazzled by a false popularity; that his plans against New Orleans and Canada were not feasible; that the minister of foreign affairs could approve very little that he had done.

Popular factions

At New York, scenes were enacted similar to those at Charleston and Philadelphia. There were the same factions; English and French sailors fought in the streets whenever they met; and the partisans of each country sang its praises in every tavern. The *Embuscade* had been sent to New York, where the officers and sailors had been most cordially received. While the frigate lay in the harbor, expecting the French squadron with which Genet proposed to capture fisheries and burn Halifax, Citizen Bompard, its commander, accepted the challenge of a British vessel, the *Boston*. August 1 the encounter took place off Sandy Hook. After two hours of desperate fighting, in which the mainmast was lost, seven shots were received below the water line, and Courtney the captain was killed, the English vessel succeeded in making her escape. Bompard returned to New York flushed with victory, to find the squadron awaiting him, with many of the homeless, penniless victims of

Genet's vessel defeats English one

1793

Genet the hero of New York

the San Domingo revolt on board. The city was as generous in its charity as it had been in its praise, and contributed freely for the wounded and the refugees. Just as public excitement was at the highest pitch, Genet arrived, was welcomed at Paulus Hook by a committee of the citizens and escorted to the city, where he was again welcomed by numerous patriotic societies.

But Genet's popularity had reached its height. When his opponents had failed in their plan of publishing his letters, they spread about quietly his threat to appeal from the Executive to the people. The papers got hold of it, and Genet denied having made the threat; but Rufus King and John Jay published over their own signatures conclusive evidence of the fact. Genet in great wrath demanded a public denial from Washington, but was rebuffed by Jefferson. He then threatened a prosecution of these "servile flatterers of the President, paid servants of Hamilton"; but was told by Randolph, the Attorney-General, that he must seek redress in the State courts. In his wrath he determined to take the matter to Congress, and if justice were not done, "to arraign Washington himself at the bar of the Federal Court."

Dis-favored for attempt to over-ride the govern-ment

Such remarks exasperated the Federalists, pained the friends of France, and injured no one but Genet, revealing as they did an utter misconception of the American government and an equally complete unfitness for any sort of diplomacy. A clash with the Federal authorities in

1793

Boston in October confirmed this view. A proclamation of the President had placed prizes under the jurisdiction of a Federal marshal when their legal status was in doubt. In Boston the right of the marshal was denied, and a vessel was taken from his hands and placed under the guns of a French frigate. Washington at once revoked the powers of the French vice-consul, who was concerned; whereupon the consul threatened to appeal to the State courts, and Genet wrote again to Jefferson a letter of angry, insolent protest.

Genet defies the government

Meanwhile news began to arrive of the plans formed by Genet for the liberation of the Western country. Originally the plan seems to have been to stir up revolt in all Spanish America; the favorite scheme of Francisco Miranda, an international revolutionist.[1] Later, no more was contemplated than the overthrow of Spanish rule in Louisiana and Florida, and the recovery of the

His Western schemes; Miranda

[1] Francisco Miranda was a native of Venezuela, who had served in the war of the American Revolution on the side of the colonies. He had hoped to be the deliverer of his own country, but through a premature revelation of his plans was forced to flee to England. He continued his favorite design, however, negotiating with Pitt when it seemed likely that war would occur because of the Nootka Sound affair. Miranda went to Paris in 1792, where he tried to get help from the Girondists. They could do nothing for him in America, but he entered the French army and was Dumouriez's second in command. Proscribed by the Directory, he again took refuge in England; after some years of futile appeals for aid there, he came to the United States, and in 1806 headed the ill-fated *Leander* expedition to free Venezuela, where he was defeated and a price set on his head. He then went to Europe with Bolivar; returning in 1810, he captured Caracas in April 1812, accomplishing his lifelong hope; but was shortly accused of treason by his own side, captured and turned over to the Spanish authorities, who kept him chained up in prison at Cadiz till his death in 1816.

lost province,—an end kept in view by France until realized by the treaty of retrocession. 1792–3

The movement began as early as 1792. Mangourit, the French consul at Charleston, had prepared the way for it; and in February of 1793, General George Rogers Clark wrote to the French minister promising to raise men enough to take the whole of Louisiana for France, beginning with St. Louis, and if given sufficient aid, the Floridas and New Mexico as well. With 500 men St. Louis might be taken, and with 800 New Orleans; later in the same year, discontent showed itself among the French inhabitants of the latter, and an expedition southward from Kentucky was planned.

George Rogers Clark to invade Louisiana

When Genet reached Philadelphia he found there André Michaux, a French botanist whom Jefferson had recently engaged to undertake an exploring expedition for the American Philosophical Society. Genet revealed to Jefferson his plans for the West, and suggested that Michaux act as the agent for the French government; but Jefferson objected, at least in so far as the citizens of the United States were concerned, though he cared little for revolts that might occur in Louisiana. At length he gave Michaux a letter to Governor Shelby, introducing him as a scientist and friend of Genet; and thus, without committing the administration, kept in touch with the operations of Genet, and was ready to seize any advantage to the United States that might arise.

Jefferson gives cautious aid

For a time it appeared that the conquest of Louisiana and Florida might be accomplished.

1793

Indeed the principal lack was that of money. The people were not unwilling to begin the attacks under leaders of their own choice, but demanded arms, equipment, and pay. Clark accepted a commission from France, was made commander of the Revolutionary Legion of the Mississippi, and began to collect recruits and supplies. In Charleston Mangourit organized two expeditions: the one under William Tate of South Carolina, which was to co-operate with the Kentuckians in the invasion of Louisiana and possibly attack East Florida; the other, led by Samuel Hammond, was destined for St. Augustine. A third, apparently an independent force under Elijah Clarke, was to turn upon West Florida after the province of East Florida had been reduced.

Filibustering expeditions planned

New messengers were sent into the Western country in October of 1793; the expeditions were preparing and the blow seemed about to fall when the support by sea failed, the supplies of money were not forthcoming, and the invasions were postponed until the following spring. By that time there were many changes. Clark's filibustering proclamation of January 1794, together with the support given him by the Democratic Societies in Kentucky, alarmed the Spanish authorities, and directed the attention of the government toward the West. General Wayne prepared to prevent the expeditions by force if necessary. Shelby, the governor of Kentucky, while professing to know of no law by which he could prevent citizens from gathering without the limits of that State, or

Failure of such

National and State governments interfere

arrest them before the commission of some overt act, declared his intention to enforce the law as he understood it. Blount of the Southwest Territory acted vigorously, and warned the people not to have anything to do with these plans of Jacobin and incendiary origin. The work of preparation went on actively, however, until the arrival of Genet's successor, who revoked the commissions previously granted, and forbade any action in the name of the French Republic which would violate the laws of the United States. This ended for a time the French intrigues; but the old plan was not forgotten.

1793 et seq.

Filibustering stopped in the West

Meanwhile Genet's party in France had fallen. Fauchet, his successor, came with authority to arrest him and send him to France; but in the days of his adversity, the government against which he had intrigued and fulminated did not desert him. His faults were those of his associates rather than personal defects. Politics aside, he had many virtues; and he had made at least one lasting conquest,—he had won the heart of the fair Cornelia, daughter of Governor Clinton of New York. The fires of revolution had blazed so fiercely in his spirit that they had burned themselves out, and he lived until 1836 an honored member of society,—but for a time an object of suspicion to those who remembered the stormy days of 1793.

Genet superseded

Becomes a New-Yorker

During the summer of this same year, Philadelphia was visited by that most serious of scourges, the yellow fever, which had been prevalent in the West Indies. The first cases were in

Yellow fever at the North

1793

Yellow fever in Philadelphia

July; and from that time until the frost came, the plague resisted all efforts to stamp it out. The surface drainage, the garbage and filth rotting in the streets, the poor water, and the heat were all against the city in the struggle. Moreover, medical science was entirely unable to cope with the disease. Purges and bleeding were thought to be proper accompaniments to any form of treatment; the knowledge of the properties and operation of drugs was imperfect; and to add to the confusion, the physicians themselves lost their heads and recommended the most astounding remedies. Fires were kept burning at the street corners to destroy the infection in the air. Camphor, tobacco, and garlic were carried about in the clothing. Every reputed prevention was tried as soon as it was suggested.

Vain efforts to stay it

There were no hospitals, no trained nurses, no organized corps of physicians, no health officials. An attempt to use the almshouse, centrally located, was prevented by the citizens. The authorities made an effort to stay the progress of the plague by cleaning the city; the physicians many of them volunteered their services, and published from time to time directions for preserving the general health, and avoiding the fever. Money was raised by popular subscription; and the home of William Hamilton, Bush Hill, was used as a pest-house. Notwithstanding the noble efforts of Stephen Girard, Peter Helm, and their associates, who gave their time as freely as their money, and themselves became nurses, the hospital was more of a failure

1793

than a success. Those who fled from the city, especially after the spread of the disease had become known, were hardly more fortunate than those who remained. Neighboring cities promptly established quarantine stations; ships from Philadelphia were not allowed to land their freight or passengers; stages were stopped, and the mails were watched.

Quarantine against Philadelphia

The progress of the disease was steady during September and early October. On the 11th of October the number of deaths was 119. In November, with the advance of cold weather, the number of cases decreased, and the people began to return to their homes and ordinary occupations. From the 1st of August to the 9th of November there were 4044 deaths, estimated at one-fifth of the population; and the city's business interests had suffered besides to the extent of millions of dollars.

Terrible ravages of yellow fever

No sooner were men relieved from the fear of immediate attack than they began to speculate upon the cause of the disease. Many had had warnings and visitations; visions and dreams were recalled: but such had been the wickedness of the city that these had passed unheeded. Doubtless the sinful pleasures of society, teas, balls, the theatre, and above all the Jacobin frenzy and well-known infidelity of certain citizens, had their effect also. There were those too who placed the blame upon more natural causes; but with both classes the memory of that terrible summer long remained.

Speculations on its cause

1793

Before Congress met, it became evident that local politicians at least had profited by the pro-Gallic enthusiasm. There was a gradual spread of the doctrine of a broader democracy among the people; but the chief change was that impending in the Cabinet. The first group of Presidential advisers had been selected for their talents, before party principles were established and when only the differences of personal opinion were known. It was the President's policy also to select men of different views, in order to harmonize the opinions of various sections of the country. Almost from the first the two leading members of the Cabinet had been at open war. By the nature of their respective offices—given from their fitness for each respectively—and the condition of the country, the burden of the work as well as the reward had fallen to Hamilton; thus arousing the jealousy of Jefferson, always fond of public praise. Then too, Jefferson saw what was by no means open to his vision alone, that the tendencies were reactionary. The conservative classes had again gained control of politics,—men who believed that the salvation of the state consisted in the protection of their personal interests, and the exclusion of the mass of citizens from other than approbation of the political acts of the leaders; in other words, the English system of the eighteenth century, if not the British monarchy.

Washington's view as to Cabinets

Jefferson vs. Hamilton

Incompatibility

It seemed that no accommodation, or even longer peaceable association, was possible. Washington was inclined, from habit of mind and from

circumstances, to side with the conservatives; but was affected deeply by the prevailing note of discontent from his own State and generally from the South. He was wounded by attacks of increasing bitterness upon the administration, and especially by wholly unwarranted personal charges. Editorial abuse was by no means an exclusively Democratic practice. It is possible that the writers of that party were the masters of a larger collection of invectives, and a little more unscrupulous in their statements; but between the two camps there was not much choice. Washington's personal influence was unbounded. Each party wanted him solely for its own; but the persistent unfounded criticism of his political opponents, and the sympathetic condolences of his friends, gradually forced him toward the extreme Federalists.

1793

Democratic assaults on Washington's government

Make him more Federalist

As early as July, Jefferson had expressed his intention of resigning the following September; but at the request of the President had agreed to remain until the beginning of the New Year. Hamilton, whose friendships were many and his opportunities the most promising, could not afford to retain the Cabinet position after the greater part of his work was done. His final plans were to be brought forward at the next session of Congress; and moreover, he was anxious to afford his enemies an opportunity to continue their investigation if they so desired. Possibly, too, he felt that the President's reluctance to indorse his plans fully was an evidence of a lack of trust. However, Hamilton's position in the Cabinet was secure.

Jefferson and Hamilton anxious to withdraw

1793

The President was usually upon his side; he could count on Knox, and more often than not upon Randolph—who was accustomed, as Jefferson said, to give his principles to one party and his practice to the other.

Jefferson's hateful position in the Cabinet

The case of Jefferson was far different; was, in fact, intolerable. The new opposition party regarded him as its leader, and looked to him for advice. To play this rôle was to incur, with some reason, the charge of disloyalty. In June he unburdened himself fully to Madison: "Worn down with labors from morning till night and day to day; knowing them as fruitless to others as they are vexatious to myself; committed singly in desperate contest against a host who are systematically undermining public liberty and prosperity; cut off from my family and friends; in short giving everything I love in exchange for everything I hate,—what must be the principle of that calculation that can balance the pleasure of private life against these circumstances of my present existence?" Despite the entreaties of his friends, he would not consent to retain his official position, rightly believing he could be a far more effective party leader out of the Cabinet than in it.

He will not remain

The Federalists

Meanwhile party differences and policies had become established. The Federalists were strongest in New England. They were the party which had profited most by the financial rehabilitation, the party whose shibboleth was "commercial interests." Among them were the great merchants, the lawyers, the ministers, the "wise and good"

as they esteemed themselves. Opposed to them were the farmers of the country communities, the smaller tradesmen in the towns, the humbler class regarded with benevolent toleration by those set in government over them. Southward the Democrat, or as he preferred to be called, the Republican, was the aristocrat, the planter whose broad acres were scarcely sufficient to support his troops of slaves; who were weighed down by debts, often British debts, and who considered himself the prey of the northern commercial men. He firmly believed that his taxes went to pay debts he had not incurred; that the government was run by and for a particular group, whom he hated as heartily as the New England Federalists of later years hated the "Virginia Dynasty." These southern Republicans were associated in northern minds with needy debtors, who would obstruct any government which would compel them to do their duty. The South charged New England with the wish to introduce monarchy to insure the stability of the social order. Every measure proposed by the Federalists was dissected, lest perchance it might conceal some measure tending to strengthen the general government.

1793

Southern Democrats the aristocratic party

Causes of affiliation

Sectional prejudice

The Republicans had rightly estimated the latter purpose of the Federalists, but they distorted its intended means, as no Federalist thought a monarchy possible; and had an imperfect idea of the strength of the sentiment from which that purpose came. Since the adoption of the Constitution, the object of the Federalists had been to

Republican misjudgment

1793

prevent what they believed to be the impending overthrow of the general government by the States. For eight years, with hearts filled with forebodings, these ultra conservatives scanned the political horizon with anxious gaze for the first appearance of that crisis which would seal the doom of the Republic, and bring forward their leaders to construct a government upon the ruins. Nor when their Cæsar lay dying, slain by the bullet of his political Cassius, did they realize how great was their mistake. Strong, honest, patriotic, but seeking to interpret the events of to-morrow by the vision of yesterday; mistaken in their notions of the American people, in the ultimate destiny and greatness of the country, bounded by their own narrow range of vision, they went to their political destruction firm in their convictions, with eyes fixed upon the shade of their illustrious chief, and on their lips *"Ave Cæsar, morituri, salutamus."*

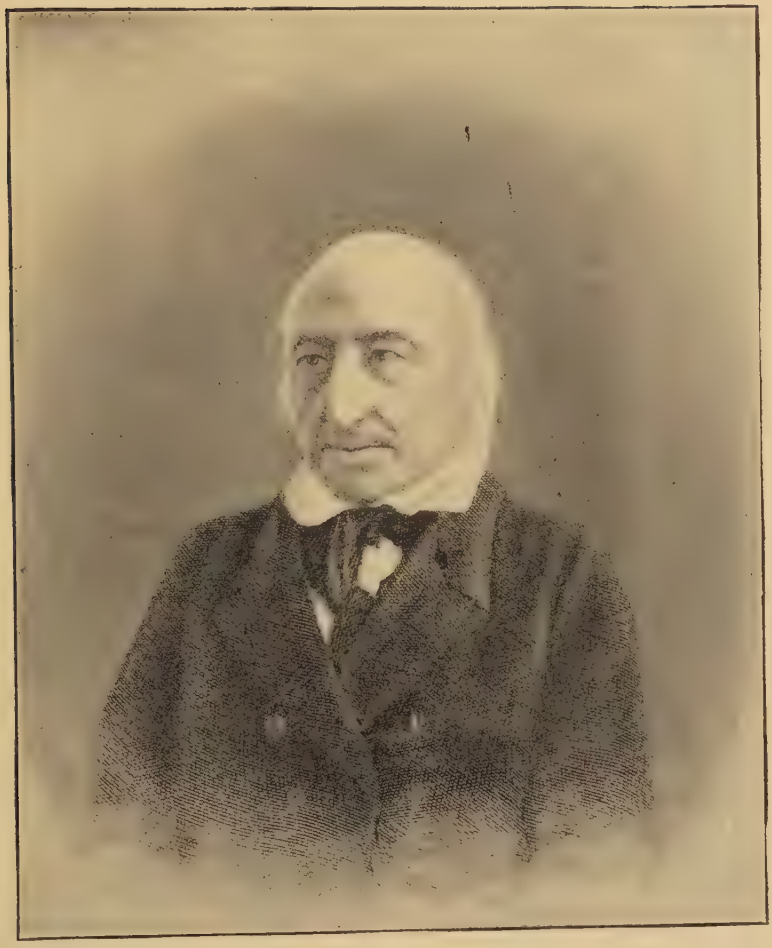
Federalist sentiment and purpose

When the members of the Third Congress began to assemble for the session which was to open December 2, they found the city still resting under the gloom cast upon it by the plague. Well-known faces were missing from the streets and usual haunts, the entire city seemd to harbor unfamiliar men and things. The progress of the disease had been stayed by the early frost, public health was again normal, and all thought of removing Congress had been abandoned.

Third Congress meets

Remains in Philadelphia

Among the new members of the Senate, Livermore, Vining, and Jackson, representing respectively the States of New Hampshire, Delaware, and



ALBERT GALLATIN.

1793, etc.

Albert Gallatin

Georgia, had already won some sort of distinction in the Lower House. During the entire session of the Second Congress, Pennsylvania had had but one Senator. The western part of the State had insisted upon its right to one of the two members of the Upper House, and now gained its point, bestowing the honor upon Albert Gallatin, a Swiss by birth, a man of splendid talents, but who had unfortunately strayed into forbidden paths by his opposition to the enforcement of the excise laws. Gallatin came to America in 1780, after a youth spent in Geneva, and an intimate acquaintance with that brilliant group that surrounded Voltaire at Ferney. A love of personal freedom brought him to the new world, where so many honors awaited him. For a single year, 1782-3, Gallatin taught French at Harvard, but he soon became interested in Western lands. His first purchase was an estate of a thousand acres on the south side of the Ohio, between the Monongahela and Kanawha rivers. In 1784 he settled at the mouth of George's Creek in Fayette County, Pennsylvania, about five miles north of the Virginia line, where he opened a country store.

From this time Gallatin was prominently identified with Western interests, and in 1785 took the oath of allegiance and fidelity to the Commonwealth of Virginia, where he had been a recipient of many favors. In 1788 with Smilie he represented his county in the Harrisburg Convention; in 1789 had been a member of the convention which revised the Constitution of Pennsylvania, and for

1793-5

the following three years was elected to the Assembly of his State. A Federalist Legislature in 1793 elected him to the Senate, just as he had completed his thirty-second year.

Gallatin barred from Senate as alien

Upon the first day of the session a petition was presented by nineteen citizens of Yorktown, in Pennsylvania, stating that Gallatin had not been a citizen of the United States for nine years, the constitutional period. The petition was referred to a committee in his opinion the worst for him that could have been chosen, and the contest at once became a party one. By a strictly party vote—14 to 12—the Senate decided that Gallatin's citizenship had begun with his oath of allegiance in 1785; not, as his friends contended, with a statement made in 1783 of his intention to become a citizen, or as he himself maintained, with his advent to America in 1780 and subsequent identification with American interests. The Federalists gained little by this proscription. James Ross succeeded Gallatin and secured them another vote; but Gallatin was elected to the House in 1795, where he speedily became a much more dangerous opponent of the Federalists than he could have been in the Senate.

Elected to House

Senate has open sessions

For the first time the Senate sat with open doors, and arrangements were made to provide a gallery for visitors, who should be allowed at all times except when secret and Executive business was under discussion. The opposition controlled the House whenever it was possible to mass all of its various and somewhat discordant elements;

while in the Senate the administration majority was exceedingly small, and important measures were often decided by the vote of the Vice-President. 1793 Dec.

In his message the President spoke chiefly of foreign relations, and the complications in which the United States might become involved. The proclamation of neutrality, as a definition of the existing legal state of things, was laid before Congress for their correction, enforcement, or improvement. Congress was asked to provide against acts hostile to foreign countries on the part of citizens of the United States, and to define in the matter of prizes the jurisdiction of the Federal Courts. Washington urged emphatically the necessity of more adequate measures of defense as a means of keeping peace. "There is," he said, "a rank due to the United States among nations which will be withheld, if not absolutely lost, by a reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war." The necessity of a more effective militia organization, the relations with the Indian tribes north of the Ohio, and the recent unwarranted attacks upon the Creeks and Cherokees, were also important parts of the communication.

Washington's message

Insistent on strong government

These suggestions made by the President in his message, and two elaborate reports submitted by Jefferson upon his departure from office, furnished the chief subjects of Congressional action. In the

Jefferson's farewell reports

1793 Dec.

House the dominant note was that of mild opposition to the administration, while early in the session, the Senate showed something of its temper by a proposition to prevent stockholders of the Bank from voting in Congress. To a citizen of later days the impropriety of such a position is self-evident; but the motion was lost in the Senate, although public opinion had already forced some of the directors who were members of Congress to resign.

Congressmen not to be owners in U. S. Bank

Jefferson's report on American commerce, which had been long in preparation, was his last important act while in office, and was a lengthy, complete discussion of the various restrictions to which our trade was subject, with suggestions as to the best methods for removing the obstacles. The report showed that of the four articles exported in the largest amounts, the total value of breadstuffs was in millions of dollars over seven and one-half; of tobacco over four; of rice one and three-quarters; and of timber one and one-quarter. These, with some other exports in considerable quantities, made a total of nineteen millions, of which nine went to Great Britain and four to France. On the other hand, the imports from Great Britain had a nominal value of fifteen millions, while those from France were not more than two. Similar statistics showed the amounts of trade with Spain, Portugal, the Netherlands, Denmark, and Sweden; and the various restrictions or prohibitions established by these countries were given in detail.

Jefferson's report on commerce

"It is not," said Jefferson in the report, "to the moderation and justice of others we are to trust for fair and equal access to market with our productions, but to our own means of independence and the firm will to use them." In accordance with this idea, two methods of dealing with the situation were proposed. The first, which Jefferson had always favored, was by a friendly agreement which should open the countries of the Old World to American raw materials and products, and turn to the United States the products of European factories and workshops. This method failing, counter-restrictions might be tried, and a scale of duties and method of treatment of foreign merchants adopted like that accorded American merchants and American goods. The restrictive policy pursued by Great Britain had, according to Jefferson's estimate, cost the United States no less than 900 vessels aggregating 40,000 tons, besides the loss of seamen and to shipbuilders. Finally, two forms of duty were suggested, one moderate in amount, for nations which were willing to make a reciprocity agreement; another high in most cases and prohibitive in others, for those committed to the restrictive policy.

1793 Dec.

Jefferson favors commercial treaties

If not feasible, then retaliation

A special message of December 5 referred to the consideration of Congress recent violations of the rights of neutrals, and orders of the British government which restricted American cargoes of provisions to British or friendly ports. Soon afterward other communications revealed the uncertain attitude of Spain, now allied with England;

Message on hostilities to American commerce

1793–4 Dec.–Jan.

and a convention between Algiers and Portugal, brought about by British influence, which opened the straits of Gibraltar to the Algerines, and permitted if it did not invite them to prey upon American commerce. The threatening state of affairs in Europe, Jefferson's suggestive reports, and revelations of new Orders in Council which practically prohibited American trade in the West Indies, tended to give a decided anti-British tone to this session.

American commerce the general prey

Early in January, Madison introduced a series of resolutions which proposed discriminating duties against nations not having commercial treaties with the United States, the dutiable articles being chosen with a view to encourage domestic manufactures. It was proposed also to lower the tonnage duty for nations in treaty, and raise it for those which persisted in refusing to conclude commercial conventions; in short, the resolutions provided a complete system of commercial retaliation. It was not intended, said Madison in explanation of his measures, that the United States should go as far as these provisions would permit; but it was well to make her enemies feel the extent of her power to protect her own interests. The United States received luxuries from other nations, but furnished them with necessaries of life, and had therefore a powerful weapon at hand. Finally, Madison proposed to provide for the losses sustained by American citizens because of the violations of the rights of neutrals, from a fund to be obtained by additional charges upon the vessels and

Madison proposes retaliatory duties

To pay for losses by violence

goods of nations which were responsible for such violations. 1794 Jan.

When the debate began,—one of the most thorough of that Congress,—the friends of England attempted to confine it solely to the side of commerce—a persistent and losing Federalist mistake. William Smith made, or rather declaimed, an able speech, which, the first few paragraphs excepted, was the work of Hamilton. He claimed that the introduction of politics tended to divert public sentiment from the real question, which was the commercial advantage and security of the United States. The Secretary's report showed that fully half of the imports came from England, while the United States contributed but one-sixth to the commerce of Great Britain. Would it be wise then to throw away one-half of our income from import duties for the sake of destroying a sixth of that of England? Great Britain, with her diverse forms of capital and industry, would have less to resist and more means of resistance. What chance, then, would the United States have in such a contest? Moreover, there was no real reason for the agitation. The progress of the United States was all that could be desired: population, agriculture, manufactures, commerce, and navigation were in a thriving and progressive state. "Wisdom admonishes us to be patient and make haste slowly. Our progress is and will be rapid enough if we do not throw away our advantages. Why should this young country throw down the gauntlet in favor of free trade against the world?

Objection to discrimination against England

As futile

And not exigent

1794 Jan. There may be spirit in it, but there certainly will not be prudence."

To this argument Madison replied with one of his temperate, logical, and carefully prepared speeches. "We consume British manufactures," said Madison, "to double the amount of what Britain takes from us, and quadruple the amount of what she actually consumes. We send necessaries to her. She sends superfluities to us. We admit everything she chooses to send us, whether of her own or alien production. She refuses not only our manufactures but the articles we wish most to send her—our wheat and flour, our fish and our salted provisions. These constitute our best staples for exportation, as her manufactures constitute hers." The balance of trade in favor of Great Britain amounted to nearly six millions annually, and the specie that paid it went to the greatest rival if not the inveterate enemy of the United States. Discrimination had been practiced by other nations: it was a prudent consideration to favor those whose friendship and support might be expected in case of necessity, rather than those whose disposition wore a contrary aspect.

Madison defends retaliation

As the debate went on, the political opinions and prejudices became more evident, and charges of Anglican or Gallic sentiments were freely made. Many of the speakers believed the resolutions to be worthless commercially and politically,—too weak if war measures, too vigorous if solely for the regulation of trade. "Are the Algerines to be frightened by paper resolves," Hartley asked, "or

The other side

the Indians subdued or the Western posts taken by commercial regulations?" Fisher Ames believed the resolutions trifling. "In a moment of danger when our commerce is nearly annihilated, it is trifling to talk of regulating it when we should attend to our defense only. We should always say peace to the last extremity; and if war threatens, strain every sinew to prepare for it. The resolutions say nothing—they say worse than nothing; they are built on partiality for one nation—they have French stamped on the very face of them." This remark brought from Parker the strong reply: "I wish that everybody and everything could be plainly marked by some such device: we should see then who is French and who is English. I hope I shall not let prejudice get the better of reason, but I can never forget that probably but for France, the Legislature would not now be deliberating within these walls."

1794 Jan.-Feb.

Retaliation asserted to be one-sided

The "tu quoque"

The resolutions did not come to a vote until early in February, when the first passed in committee of the whole by a vote of 51 to 46.

First resolution passed

When the second resolution was about to be voted on, Nicholas proposed to amend it so that it would apply to England alone; but his own party, unwilling to proceed to such extremities, agreed to a postponement for a month. By this time recent actions of Great Britain had added fuel to the flames, which were made to burn still brighter by reason of a speech of Lord Dorchester's, in which he referred to a war between England and the United States as probable in the near future. In

English action fans the fire

1794 March

March news came of the seizure of a large number of American vessels in the West Indies. That same day (March 12), Sedgewick of Massachusetts proposed a provisional army of 15,000 men, and authority to the President to lay an embargo for a period not to exceed forty days. March 26 a joint resolution was passed by which an embargo was established for thirty days,—afterward extended for thirty days longer; and for Sedgewick's resolutions, which failed to pass, a committee reported a plan to add 25,000 men to the standing army, together with a regiment of artillery for garrison duty, and 80,000 minute men to be ready for service from the militia.

Embargo laid

Army strengthened

A memorial of March 27 from Norfolk, Virginia, praying Congress to redress the losses of citizens engaged in lawful trade, was followed by a proposition of William Smith that the government indemnify its citizens at once and demand payment from the aggressor; obtaining security if necessary by a stoppage of transfers of British property, Dayton of New Jersey at once moved the sequestration of all British debts, to establish a fund out of which the indemnity was to be paid, thus establishing a relation between the two entirely foreign to the idea of the original mover. The resolution was at once taken up in Committee of the Whole, where it was opposed as tending to involve the country in war; as fatal to the nation's credit because of interference with property held in good faith, and because contracts would be violated.

Proposal to sequester British debts

Fought in Congress

1794 March–April

Debate on sequestering British debts

Among the speakers, some were found who would confiscate government paper in the hands of British owners; but from such a relief as this the great majority were free. Those who favored the plan denied that it would cause war, and held it to be merely an evidence that the United States was in earnest in her demands. They would, in the interest of peace, send a special envoy to England to make a final appeal.

Non-intercourse proposed

Neither war nor sequestration agreed with the Republican policy, which appeared in a resolution submitted by Clark, Dayton's colleague, April 7th. He proposed that after November 1, commercial intercourse between the two countries should cease until the British government should make restitution for losses and damages inflicted contrary to the laws of nations, and the rights of neutrals, and until all posts of the Western territory of the United States held by Great Britain should be given up. In spite of the efforts then making to allay the excitement, the bill passed the House, and was defeated in the Senate only by the vote of the Vice-President. Meanwhile the various measures proposed for the increase of the army had failed or been dropped.

Barely defeated

Both parties against English war

Republican principles were opposed to war; they believed standing armies to be the engines of oppression. War meant increased expenses, increased taxes, new burdens upon the people. The Federalists opposed war with Great Britain because they believed there were other ways out of the difficulty. If none could be found, war must

1794 April

follow necessarily; and meanwhile let the nation be preparing for it. The Republicans for the first time urged the panacea of non-intercourse as a cure for these evils. They were not yet in a position to make a thorough trial of their specific; and when they did, it was to observe with astonishment that the patient grew worse rather than better, and sorely against their wills they were compelled to go to war at last. Maryland almost to a man opposed the policy of non-intercourse, which would be to her not less injurious than the spoliations. The Republicans would favor France, cared little about opening negotiations with England, and proposed to keep our ships at home until we could trade unmolested.

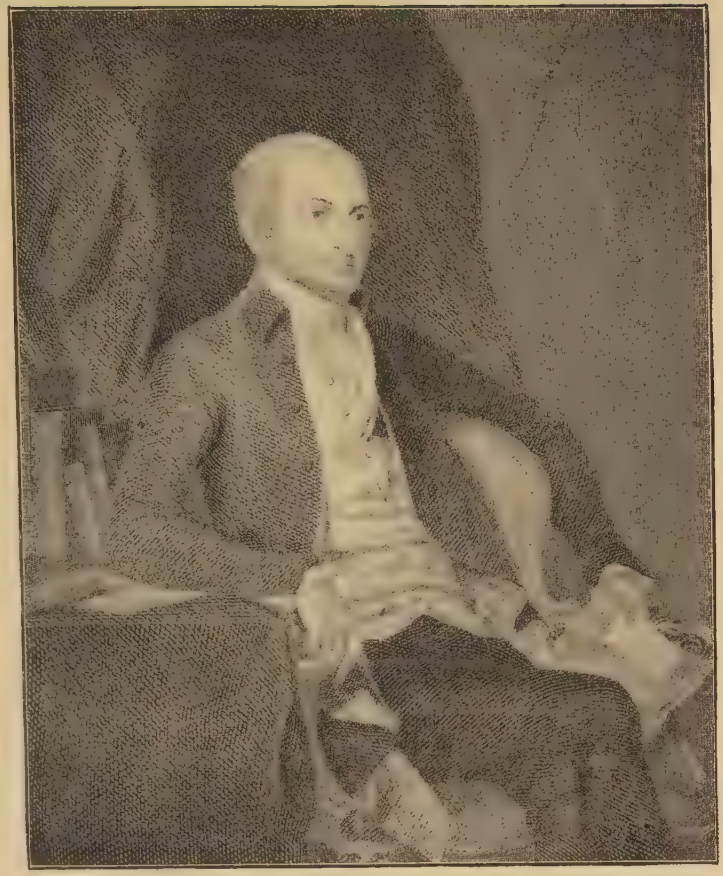
Question of non-intercourse

A larger standing army to add strength to the general government, whether war threatened or not, was a part of the Federalist policy and contributed not a little to Republican distrust. The President was intent upon peace; and while thoroughly approving Pinckney's course at the Court of London, determined to send an envoy extraordinary. Hamilton's friends urged him for the place; indeed, no man was better fitted to obtain satisfactory terms from the British government, but as soon as the opposition heard of it there was a decided protest. Monroe, then a member of the Senate, wrote the President that the contemplated appointment would be injurious to the public interests, and offered to give his reasons at a private interview. Washington felt impelled to ask advice; and as a result, requested Monroe to put his

Of increased army

Hamilton urged for envoy to England

Monroe protests



JOHN JAY.

MRS. JOHN JAY.

1794

Jay to negotiate English treaty

reasons in writing, which he never did. Members of the House joined in the protests, but there were other reasons which had more weight with Washington. It was especially advisable, in order to secure confirmation of the appointment and a favorable public reception for the treaty, that the envoy possess the confidence of all the people. A man who promised to be acceptable to all; whose public station, moreover, would add great dignity to the mission; whose long experience in foreign affairs, thorough knowledge of the law, integrity, and judgment were well known, was John Jay, the Chief Justice. The President sent his nomination to the Senate April 16. It was confirmed three days later, not without some opposition, chiefly on the ground that the Chief Justice should not be so long removed from his duties. Jay sailed from New York the 12th of May, and landed at Falmouth June 8.

England mitigating her acts

Affairs with Great Britain had seemed more hopeful for two months before Jay's departure. The instructions of November 6, which had so exasperated all parties in America, had been revoked early in January, and new orders directed only against those vessels carrying the products of French islands direct to France. Moreover, Lord Grenville had explained at some length the reasons for the obnoxious orders of November, by which their temporary character was made to appear more clearly; and had dwelt upon the good effect of the neutral policy of the United States. The situation was well described by Fisher Ames: "I

1793

do not believe that Great Britain intends to force us into a war; but she intends to make our neutrality unpleasant to our feelings and unprofitable to our navigation. Our policy should be to dispel the danger if possible; and at the same moment to prepare the means of defense against it."

Ames on English policy

Among other measures discussed in this session of the Third Congress was one which proposed to increase the pay of the soldiers from three to four dollars a month. Some one, less cautious than the rest, proposed to make it five; but this was regarded as a dangerous precedent, for in time it might be made the magnificent figure of ten dollars. The friends of the bill believed that there should be some just proportion between the wages of a soldier and laborer, and where could one obtain even the most menial services at such a figure? Living had increased, and the pay of the army should be increased accordingly. Moreover, it was important that the quality of the troops should be bettered if possible. Others thought three dollars sufficient and four ample: men did not enlist from mercenary motives, but because they were curious, lazy, or migratory in their habits. It would not do to tempt men from their farms and employments to make soldiers of them. Time had shown that the quality of troops did not vary in proportion to their pay. The utmost advantage that the friends of the increase could secure was an improvement in rations at the discretion of the Executive.

Increase of army pay discussed

Voted down

Early in January, the Senate sent down a bill proposing to alter the flag to have fifteen stripes

1794

The Stars and Stripes

and the same number of stars. Goodhue thought it a trifling business. If stripes and stars were to be added every time a new State was admitted, who could say what the flag would look like in twenty years? He felt concerned for the honor of the House when they spent their time on such a thing. Since there was no other way out of it, pass the bill as quickly as possible, but keep the proceedings from the journals. Others thought it of great consequence to inform the world in this way that Vermont and Kentucky were members of the Union. New States had a right to such representation, and must not be affronted. Smith of Maryland said the new flag would cost him five hundred dollars and every ship-owner sixty. For his part he could not see what the Senate were thinking of; presumably they had nothing better to do. After more petulant discussion of a similar sort, the bill passed to get rid of it, by a vote of 50 to 42.

Regarded as foolery

Providing war needs

More serious work was done by adding to the navy six new frigates, prospectively for the difficulty with Algiers, and by a bill for the fortification of harbors from Portland to St. Mary's, while another act made an appropriation for arsenals and armories. The Committee of Ways and Means, an outcome of Congressional distrust of the Treasury Department, recommended additional duties on certain imports, taxes on carriages, on snuff and refined sugar, and licenses to retailers of wines and spirits. By these additions the government was to be provided with means for extra

1794

military and naval expenses to the amount of five millions. The internal duties were to be collected by the excise officers already appointed, and were limited to two years, while the extra impost was to expire at the beginning of 1797.

Funding State debts

A final statement of the accounts of the States was made at this session of Congress. Hamilton had prepared a plan by which both debits and credits were to be funded without injury to the interests of any of the States; but Congress, unwilling to increase the national debt, would allow stock to be issued only for the amounts due the several commonwealths. Except for a small amount paid by New York for fortifications, nothing was ever received from the debtor States. A foreign enlistment act forbade, under heavy penalties,

Act against filibustering

recruiting men or equipping vessels within the United States for war against a friendly power. Whatever of French leaven was still working in this country was thus to be eradicated in a legal manner. Another act prohibited citizens of the United States from engaging in the foreign slave trade; this in reply to a petition addressed to Congress by a convention of abolition societies, which met in Philadelphia on the first day of the year. Six States were represented; and besides

Against slave trade

the memorial to Congress, addresses were prepared to the State legislatures and to the citizens of the United States. In the latter the convention anticipated by over half a century Lincoln's famous saying, in the words "Freedom and slavery cannot long exist together."

1792–4

Jefferson and Hamilton retire

Jefferson had resigned his office in January, and had been succeeded by Randolph. At Monticello the ex-Secretary was soon deep in agricultural experiments, without ceasing, however, to strengthen and direct that party of which he was now the recognized head. Hamilton remained somewhat longer, for the excise situation was most interesting, and certain of his measures were incomplete. Though the investigation into his official conduct had continued for a time, it had finally been dropped, and he was forced to be content with this unsatisfying exoneration. William Bradford of Pennsylvania succeeded Randolph as Attorney-General. The French government had requested the recall of Gouverneur Morris, alleging British sympathy rather than the real reason, which was a genuine disgust caused by the French Revolution; and Monroe was appointed to the post, which had been offered first to Chancellor Livingston. One of the deserved appointments for great political services was that of John Quincy Adams to The Hague.

Other official changes

Chisholm vs. Georgia

In February (5th) of 1793 the Supreme Court decided the first of a long series of cases affecting the Constitution,—the case of Chisholm *vs.* Georgia, which led to the adoption of the Eleventh amendment. Alexander Chisholm was a citizen of South Carolina, and as executor for an estate brought suit against the State of Georgia. The case came up for trial at the August term of court in 1792, but Georgia did not appear. Randolph proposed that judgment be given by default,

1792–3

unless the State appeared at the ensuing term or should show good reason why such an appearance should not be made. The question was difficult, and one which threatened to bring numberless suits upon the States. The Court postponed decision until 1793, and then decided that the action was legal. A State had obligations as well as rights; it was moreover the creature of its citizens, each of whom had legal recourse against another or all the others. These same citizens had established the national government, and from that no person or body of persons could claim exemption under the Constitution.

Suit against a State declared legal

Meanwhile the Legislature of Georgia enacted that the Supreme Court had no power under the Constitution to force the State to answer legal process, nor would any judgment be considered binding. Massachusetts, similarly threatened, protested through her Legislature, and in February 1793 an amendment was proposed which should prevent such suits in the future. This passed both Houses without material change or much discussion, and was speedily ratified by the States.

Eleventh amendment passed to forbid it

CHAPTER LVI.

WHISKY RIOTS AND WAYNE'S VICTORY

1793, etc.

Leading events

The events of most note in the West during Washington's second administration were that series of riots known in history as the Whisky Rebellion, and Wayne's successful campaign against the Indians. Many of the other disturbing factors were eliminated by the failure of Genet's plans or by the British and Spanish treaties.

Excise hated in Pennsylvania

As early as the middle of January 1791, the Legislature of Pennsylvania had passed resolutions condemning the excise law then under discussion. Popular objection to this form of tax was partly inherited, and partly the result of conditions peculiar to the West. Dr. Johnson described the excise as "a hateful tax levied upon commodities, and adjudged, not by common judges of property, but by wretches hired by those to whom excise is paid." All this, and more, the mountaineers believed. They were generally Democrats; the officials were, naturally enough, their political opponents. These farmers could not carry their grain three hundred and fifty miles to market; they must turn it into the smallest compass and most valuable form, and that form was whisky. They were, as one of their number said,

Reasons

1791

distillers from necessity, not from choice. Moreover, any who violated the law were to be tried by the Federal courts in Philadelphia, the other side of the mountains; as they believed, in the heart of the enemies' country, in violation of long-established rights of trial in the neighborhood of the defendant, and by a jury of his peers.

Injustices of excise law

Jefferson opposes it

Jefferson strongly opposed the excise; for one reason, because it committed the authority of the government in parts where resistance was most probable and coercion least practicable. Hamilton admitted this, but thought the good effect of the tax would be worth the hazard. "At last we shall know whether we have a government," he remarked to one of the French envoys as the army set out on its march westward. He believed, too, that it was a good thing to employ the government in some branch of the internal revenue, lest the people should forget that the right existed to exercise authority. If a contest were inevitable,—a thing he firmly believed,—the time for it was while Washington's all-powerful influence could be added to determine the result.

Hamilton's secondary objects

Seat of opposition

Four great counties of Western Pennsylvania were involved,—Westmoreland, Fayette, Washington, and Allegheny; while the same spirit of opposition was manifested in the western parts of Virginia. These counties, clustered about the head-waters of the Ohio, had a population of about 60,000; many of them Scotch-Irish, who hated an exciseman with an inherited and fervid hate. To them the Philadelphia government was more or

1791–2

less of a foreign government, not to be intimately known or greatly respected. Pittsburg, the chief town, was a village of 1200 inhabitants. There were few roads of any kind, and of these many were passable only to horsemen. In these counties whisky passed as a medium of exchange at a shilling a gallon; the government demanded seven cents of this shilling in specie, the rarest thing that men used for barter and sale.

Hardships of excise

The Pennsylvania resolutions of 1791 had deemed the tax "subversive of the peace, liberty, and rights of the citizen;" and six months thereafter (July 27), in a popular meeting at Red Stone Old Fort (Brownsville), it was agreed that committees should be appointed in each of the four counties. Eleven delegates from these committees met in Pittsburg the following September, and adopted a series of resolutions in strong disapproval of the whole Federalist policy, but made a special grievance of the excise law. When the offices of inspection were opened, there were many acts of violence, some of which were severely punished by the State courts. If men gave informations of the locations of stills, their barns were burned; mobs intimidated distillers and prevented them from entering their stills. The modification of the law in 1792 failed to relieve the situation. Representatives of the four counties met at Pittsburg in August, and decided to subject the officials of the excise to the same sort of social ostracism which had formerly been the lot of the unfortunate Stamp officer.

Pennsylvania committees oppose it

Mob violence

Organized action

1792

Hamilton, upon whom immediate responsibility for the collection of the revenue rested, demanded the speedy punishment of the offenders; but instead, a proclamation was agreed upon which ordered all persons to desist from obstructing the enforcement of the law, and asked the State authorities to unite with the Federal officials to detect and punish the guilty. Acts of violence continued. Robert Johnson, collector for the counties of Washington and Allegheny, was captured, shorn, and given a coat of tar and feathers. A Captain Faulkner, having expressed an intention of renting a building for use as an inspector's office, was taken from his home one night and given the same treatment. Wells, the collector for Westmoreland and Fayette counties, was attacked at various times, and finally compelled to publish his resignation in the Pittsburg *Gazette*. Like the mediæval malcontents of England, these eighteenth-century Wat Tylers and John Balls adopted the name of Tom the Tinker, first used by one John Holcroft. Threats, proclamations, and advices signed by this name were posted on the trees or found their way into the *Gazette;* nor were they always confined to excise officials, for they were directed also to those who would not oppose the law, and sometimes became the means of private revenge.

Proclamation against excise rebels

Mobbings go on

Threats by "Tom the Tinker"

An attempt was made to arrest persons guilty of the assault on Johnson; but the marshal was advised not to attempt the service, and instead, sent his writs by mail. In the autumn of 1792 the

Officials intimidated

supervisor of revenue was sent to ascertain the real situation; to obtain evidence in the Faulkner case and against those who attended the Pittsburg meeting, and to revive the courage of the revenue officers. He slipped into Pittsburg, and after a few days started back to Philadelphia, escorted through a peaceful country by a troop of horse. Upon his return he published a savage attack upon all the people of the western counties. These things united to strengthen the insurgents, who considered them as new evidence of the weakness of a government which feared the situation; and acts of violence were more common from this time.

1792–4

U. S. supervisor's dangerous errand

In June of 1794 Congress had modified that part of the law which regulated the place of trial, by giving the State judiciary jurisdiction in cases more than fifty miles removed from the Federal courts. Many of the more prominent distillers began to show a willingness to comply with the law, and promised to use their influence to bring about a general submission, provided unobjectionable men were appointed officers of the revenue. If allowed to make the nominations, they were willing to be security for the execution of the law. But this indication of yielding served only to exasperate the hot-headed leaders of the rebellious faction. They had already become fit subjects for punishment, and they sought to implicate as many others as possible.

Foreign-trial objection partly met

Does not mollify extremists

The actual outbreak came in July 1794. Seventy-five writs had been sworn out in May, but it was not until July that the marshal was ready to

1794 July

serve them. Seventy-four were served without incident. Then the marshal made the mistake of going to Pittsburg before serving the last one. There he met Neville, the inspector, who had once opposed the excise but had accepted office under the act, and was regarded as a renegade by his neighbors. The seventy-fifth writ was for one Miller, a farmer who lived about fourteen miles from Pittsburg. Neville accompanied the marshal. Miller was found with his laborers in the harvest field; the writ was served, but as the officers started to leave the field the men put down their scythes and followed them. Some one discharged a gun, but no one was injured. The marshal returned to Pittsburg, Neville went home.

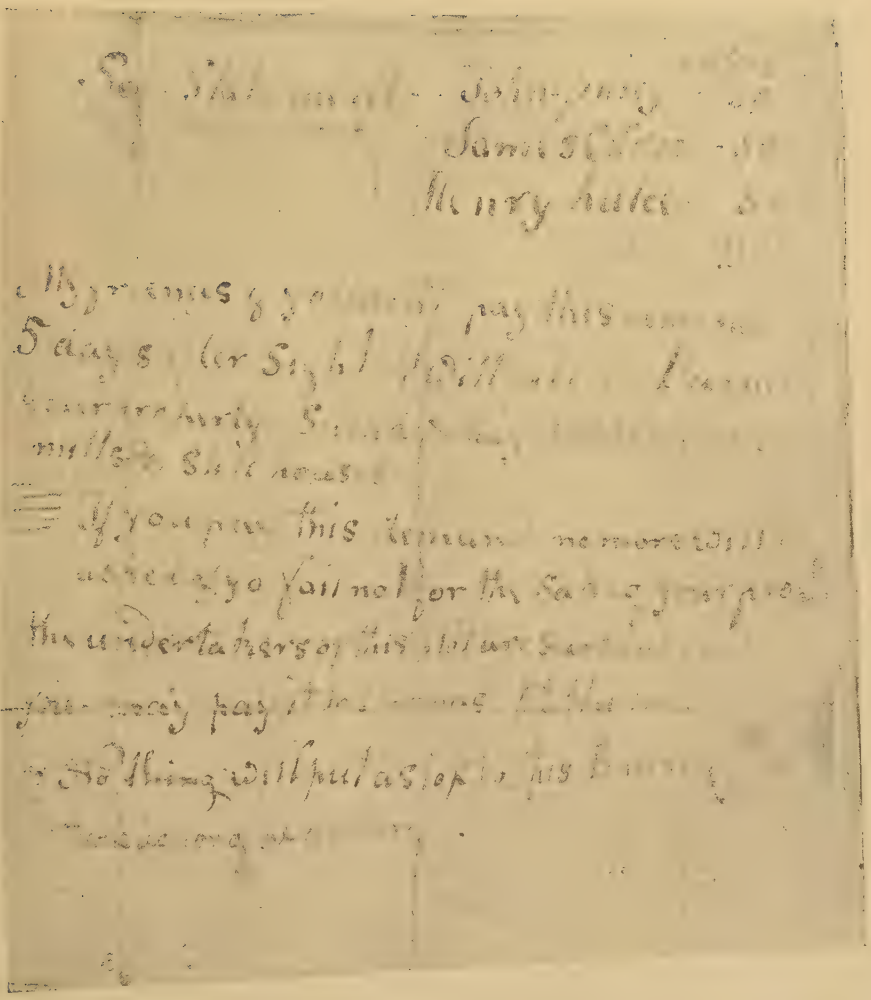
Service of writs brings whisky riots to a head

Soon afterward the news reached the Mingo Creek regiment of militia, which had met to select its quota of 80,000 minute-men. John Holcroft, the original Tom the Tinker, with thirty-six others surrounded Neville's house. When asked what was wanted, they returned an evasive reply. They were at once fired on from the house and from a near-by building which the owner had garrisoned with a few negro laborers. A hasty retreat followed, but not until six of the band were wounded, one of them mortally. The rest of the day the rioters spent in stirring up and collecting their associates. Before night 500 men had gathered at Couche's Fort. Meanwhile Neville, fearing the storm, had left; and in his place was Major Kirkpatrick, a kinsman and officer in the regular army, with eleven men from the fort at Pittsburg.

Inspector menaced

Rioters fired on

Great band gathers



HOLD UP NOTICE IN WESTERN PENNSYLVANIA, 1796.

1794 July

At the head of the insurgents was a Revolutionary officer named McFarlane, who demanded the inspector's papers; and learning that he was not at home, asked that six of their number might be admitted to the house to search for the documents they wanted. This demand was refused; word was sent for the women to withdraw, and firing began. Soon a shout was heard from the house; and as McFarlane stepped from behind a sheltering tree to see what was wanted, he was shot and instantly killed. His followers believed that the shout had been a part of a plan to murder their leader, and began the attack with renewed energy. Some straw in the barn was fired, and the flames were threatening the house, when Kirkpatrick and his men surrendered and were dismissed without injury. The inspector's house was burned, and many papers and other property of value destroyed. The rioters drank the liquors in the cellar; demanded the resignation of the inspector, with any unserved writs in the hands of the marshal; and appointed a meeting at Mingo Creek July 23. The Federal officials fled; the marshal going down the Ohio, and reaching Philadelphia by a roundabout route through the wilderness.

Inspector's home besieged

Occupant burnt out

Among the leaders at the Mingo Creek meeting were David Bradford, according to Gallatin "a tenth-rate lawyer and an empty drum"; James Marshall, who had opposed the Constitution; and Judge Brackenridge of Pittsburg, scholar and humorist, who, like Ædanus Burke, was an intemperate orator but a wise judge. Bradford showed

Meeting at Mingo Creek

1794 July

a disposition to weaken, but his followers prevented; Judge Brackenridge counseled moderation, and the action of the meeting was limited to a call for delegates from the western counties of Pennsylvania and the northern counties of Virginia, to meet at Parkinson's Ferry August 14, to "take into consideration the situation of the Western country."

Meeting called to resist whisky tax

Bradford had apparently determined to associate as many as possible with his own fate, and sought further means to arouse the people. In the hope of finding communications which would show the steps contemplated by the Federal officials, as well as discover several new victims of popular wrath, the Pittsburg mail was stopped at Greensburg and several letters taken. The necessity of incriminating the largest possible number was plainer than ever, and a circular letter was issued in the usual form to the officers of the militia, asking them to assemble with as many volunteers as possible at Braddock's Field on the 1st of August, when an opportunity would be offered "to display military talent and to be of service to the country."

Militia asked to help

Pittsburg, meanwhile, was in great alarm. It was reported that the militia would march from Braddock's Field to the town, and destroy this Sodom which harbored excisemen. A meeting was held on the last day of July; in obedience to a request from the insurgents, four men were banished from the town; sympathetic resolutions were passed; and August 9 was set for the election of

Pittsburg sends delegates

delegates to the Parkinson's Ferry meeting. The women spent the night in tears; the men busied themselves in burying their valuables, and in preparation for the journey to Braddock's Field on the morrow. 1794 Aug.

The lowest estimate places the number gathered at the scene of Braddock's defeat at 2500, some eye-witnesses thought there were six to seven thousand. Many were without arms; but the assemblage was noisy enough, for men were shooting constantly until the reports sounded like those of a battle. Some came out of curiosity; others were militia officers and came with their commands; while there were many who came hoping by their personal influence to prevent violence. By far the largest number was from Washington County; there were perhaps sixty from Westmoreland, and only a handful from Fayette, where the anti-mob spirit was so strong that it was proposed to tar and feather any man who counseled violence. It was a motley assemblage. There were men in hunting-shirts with knotted handkerchiefs about their heads, men in the militia uniform, men in the motley garb of the backwoods. Bradford, gallantly attired in brilliant uniform and riding a superb horse, styled himself a major-general and reviewed the troops. He read the letters taken from the mail, and tried to incite the people to violent courses. In this, however, he was not successful. That night the "army" passed in quiet. The next morning the march to Pittsburg was begun. The drinking-places were closed, but the

Remonstrants meet at Braddock's field

Their composition

Bradford counsels violence

1794 Aug. citizens did what they could to refresh the militia; Judge Brackenridge contributing four barrels of his best whisky. By nightfall all had passed the Monongahela, leaving as the only ruin the ashes of a small barn belonging to Major Kirkpatrick.

Insurgents march to Pittsburg

Meanwhile news of these disturbances had reached Philadelphia, where they were believed to be a part of the general scheme of destruction planned by the Democratic societies. Fortunately some of these societies were the first to condemn the riots, though they did not renounce their unfavorable opinion of the excise law. At a Cabinet meeting Hamilton, Knox, and Bradford urged that the militia be called out; Randolph, who had succeeded to Jefferson's office, opposed because he believed the effect would be to unite the disaffected from all causes and produce a civil war, while he joined with Mifflin in a distrust of the militia. McKean, the Chief Justice of the State, suggested a commission to visit the disturbed districts; and Washington with his usual unerring judgment combined both plans. Two commissions were combined: the one appointed by the President, consisting of Senator Ross, Attorney-General Bradford, and Judge Yates of the State Supreme Court; on the other, appointed by Mifflin, were Chief Justice McKean and General William Irvine of the militia. Mifflin at once summoned a special session of the Legislature, announced his intention of calling out the militia of the State, and issued a proclamation directing the insurgents to submit to the laws.

Cabinet discussion

Force and conciliation combined

1794 Aug.

Remonstrant convention at Parkinson's Ferry

The Parkinson's Ferry convention was in progress when the commissioners reached the western counties. More than two hundred delegates were present; most of them from the four counties, with a few delegates from Bedford, Pennsylvania, and Ohio County in Virginia. Colonel Cook, one of the judges of Fayette County, was presiding officer, and Gallatin was chosen secretary. There were perhaps as many spectators as delegates; some drawn by motives of curiosity, others who came prepared to prevent any compromising course. Near the meeting-place, which was a well-shaded hillside, a tall liberty-pole was erected, and from it a flag floated bearing these words: "Liberty and no excise. No asylum for traitors."

Two leaders want fight

Bradford opened the proceedings with a narrative of what had been done, and called upon the assembly to decide upon a future policy. He favored public collections for enlisting, arming, and equipping volunteers; in other words, open resistance. These propositions put the moderates upon their guard, and they began to devise means to hold the outbreak in check. Marshall introduced a series of resolutions; the first of which, condemning the practice of distant trials, passed without objection. The second proposed to call forth "the reserves of the western country to repel any hostile attempts that may be made against the rights of the citizens or of the body of the people." This was rebellion, and Gallatin denied immediately that the rights of the people were in danger; while he claimed that in calling out the militia instead

Gallatin opposes it

1794 Aug.

of the regular army, the government was not "doing a hostile act." Gallatin stood almost alone; but the inflammatory resolutions were withdrawn, and a standing committee was appointed to draft a remonstrance to Congress against the excise law, and to draw up an explanatory account of all that happened in the four counties. Power was given to the committee to call together deputies from the western country, and to act at their own discretion in emergencies. The delegates present pledged themselves to use their utmost personal influence to secure obedience to the municipal regulations of the various States.

Whisky-tax meeting appoints standing committee

The next day the members of the standing committee were chosen, sixty in number; one from each township. Brackenridge moved the appointment of a committee of three members from each county to meet the commissioners. The motion was carried, not without difficulty, and the men were chosen by the standing committee from their number. Judge Cook, Brackenridge, Gallatin, Bradford, Marshall, and Edgar were the prominent members, and all except Bradford were inclined toward peace. At Pittsburg, August 21, the committee met the commissioners, who explained that they were authorized to arrange for the execution of the excise law with the least possible inconvenience to the people; that they were to prevent distant trials; that prosecution for recent offenses might be suspended, and even a general pardon procured. But these favors, they distinctly and emphatically stated, were to be

Committee to meet Federal commissioners

Commissioners' terms

preceded by an evident disposition on the part of the people to obey the laws, and the operation of any such agreement was to be contingent finally upon the peaceful execution of them. Moreover, submission must be made by the first of September.

1794 Aug. Time limit for submission

It was now the 21st of August. A meeting of the Committee of Sixty had been called for September 2, but under the circumstances the date was advanced to August 28. The sub-committee at this meeting submitted a report, to which every member of the twelve but Bradford agreed, advising an acceptance of the commissioners' terms. It was here, at Red Stone Old Fort, that the trouble had started in 1791. The great part of the people were opposed to yielding; the Pittsburg *Gazette* published a declaration of Tom the Tinker that the committee had been bribed, and a number of riflemen from Washington County came uninvited and threatened to take part in the proceedings. Bradford urged immediate action; but a postponement until the next day was obtained..

Insurgent committee favors yielding

Masses oppose it

For two hours the next morning Gallatin held the people, not without great danger to himself, while he argued, advised, and plead for moderate action. Brackenridge and Edgar supported him; Bradford opposed any form of submission, threatening separation and civil war. Delegates were afraid to give their votes openly, and a secret ballot showed a majority of eleven in favor of accepting the offered terms. The people, however, were only the more exasperated. They had demanded

Slight majority for it

1794 Aug.-Sept.

the repeal of the excise law, and expected their representatives to do the same. Nor did the commissioners think the majority conclusive; and a new committee was appointed, which asked that arrears of the excise be remitted, and that October 10 be fixed as the final day for the acceptance of the conditions.

New insurgent committee's proposals

To these terms the commissioners could not agree; but asked that the people of the several townships meet September 11, to settle by popular vote the question of submission. All those who voted affirmatively were to sign a declaration to that effect, and these declarations would secure amnesty. Three days after the voting the officers of the elections were to declare whether, in their opinion, the excise law might be put in operation safely in their districts. All these returns were to be made by September 16.

Commissioners' ultimatum

When the time came for the township meetings, many of the leaders signed the declarations. Those who had not violated the law considered that they had not committed an offense, and therefore did not need a pardon; they looked upon the declaration as a confession of guilt, and refused to sign. In some cases the meetings were broken up. There were no returns from Allegheny County; it was not believed that the law could be enforced in Westmoreland. Bradford, who had threatened to set up a separate government west of the mountains, who had proposed a six-striped or seven-starred flag, fled down the Ohio and into Louisiana, that refuge of troubled spirits. At the same time

Inconclusive result

1794 Sept.-Oct.

there were perceptible efforts toward an accommodation. Public opinion was undergoing a change, and efforts were made, but without effect, to delay the march of the troops. Had the reaction set in before the commissioners' departure for Philadelphia, the whole rebellion might have ended then and there.

Weakening too late

Meanwhile the militia were on the march. Some objection had been made at first to the drafts; but this soon disappeared and nearly 15,000 men were on their way to the West. Mifflin, who had distrusted both his own powers and the loyalty of the militia, discharged his whole duty without further speculation. The special session of the Legislature offered a bounty for volunteers, while popular subscriptions were raised to care for their families during the campaign. The governor himself made a tour of the counties, and filled the ranks by that same eloquence that had been his strength in Revolutionary days. Mifflin in person commanded the Pennsylvania troops; Governor Howell of New Jersey led the levies of that State; the Virginia quotas were under the command of Daniel Morgan of Cowpens fame; and those of Maryland were led by Samuel Smith, a member of Congress from Baltimore. General Henry Lee of Virginia was the military head; Washington went with the army to Bedford, and Hamilton continued to Pittsburg to make sure that the work was well done.

Large army to suppress rebellion

Leading officers

The Standing Committee met again at Parkinson's Ferry, October 2, and adopted resolutions

1794 Oct.-Nov.

of submission, which they sent by two messengers (Findley and Redick) to Washington at Carlisle, hoping to turn back the militia. The President did not consider their professions weighty enough to stop the advance; whereupon the two men returned, and another meeting was called for October 24. Nearly a thousand persons attended; resolutions were adopted that the civil authorities were sufficient to enforce the laws; the rioters promised to give themselves up, and all agreed that the excise would be paid. These good promises were too late, however; the time for the opening of Congress was near at hand, and the President had returned to Philadelphia. Hamilton was the President's personal representative, and both he and Lee agreed that the advance must continue.

Insurgents yield too late

As the two divisions of the army marched westward, the fright of the insurgents increased. The troops threatened summary punishment to every rebel who came in their pathway; and so loud were these threats that Washington and Hamilton were compelled to interpose. The wings of the army met at Uniontown and marched thence to Pittsburg, which was reached on November 1. They found no one to oppose them, so that the sole work was to take and punish those who had been guilty of previous misdemeanors. Early in November it was proposed to arrest all those likely to be convicted, and to hand them over to the judiciary. Evidence was collected until the 13th, when bodies of horsemen spread over the country, and before morning over two hundred men were prisoners;

Army reaches Pittsburg unopposed

Insurgents seized

many of them being from the Mingo Creek settlement, the scene of the first disturbances. "The 13th of November," says Brackenridge, "was a fearful night in the Western country. Hundreds were arrested; offenders and witnesses together. Men were thrown in jail, kept in cold barns or outhouses, or tied back to back and thrown into cellars. With few exceptions these arrests were made with a total disregard of the amnesty, and contrary to the express command of Washington." The prisoners were taken to Pittsburg, and thence over the mountains to Philadelphia for trial.

1794 Nov. 13–17

Arrested men harshly treated

The long procession of captives was escorted by the Philadelphia Gentlemen Corps, made up for the most part of men of wealth, resplendent in new uniforms of the finest broadcloth, with brilliant trappings and riding magnificent bay horses. The unhappy insurgents rode animals of all sizes and colors and forms. Some had bridles and saddles, some halters only. The men were of various ages, were in hunting-shirts, in greatcoats or blankets. Some were downcast and dejected; others were stern and indignant, as though they ill deserved such treatment. When Philadelphia was reached, several of the prisoners were paraded through the streets with the word "insurgent" on their hats. Many of the really guilty had escaped, and only the fault of not uniting to put down the disorders could be imputed to the majority of these prisoners.

Contrast of captors and captives

Latter often guiltless

November 17 orders were issued for the return of the army, excepting 2500 men under General

1794–5, etc.

Morgan, who was left to overawe the western counties. There were no further outbreaks. The expense of the expedition had been $800,000; and of this some part had been spent in the West, where specie was scarcest. The prisoners were tried before the Circuit Court at Philadelphia. Twenty-two indictments for high treason were found, but there were only two convictions. These two were sentenced to death; but were afterward pardoned by the President, who wisely refused to cheapen the crime of treason and apply it to what was in fact a riot. As Hamilton had hoped, it was at last settled that there was a government; and from that day to this there has never been a question of the intent and power of the United States to enforce its laws.

Results of Whisky Rebellion

The French settlement on the Ohio

The western counties of Pennsylvania were ceasing to be the frontier. From Pittsburg one might reach Wheeling in a night. Beyond was Marietta; still farther, on the Ohio side was a settlement of unhappy Frenchmen, the victims of the roseate adjectives of Joel Barlow and the speculations of Duer. It will be remembered that the Ohio Company at the last moment incorporated another, the Scioto Company; and that in 1791 almost five hundred French emigrants, skilled artisans most of them, had started to make their home in this land, not only flowing with milk and honey but quite full of all other delights as well. In 1792 Duer was in prison for debt; and others of the "principal characters of the country," in whose association Manasseh Cutler had so

greatly rejoiced, were in disgrace as well. In March Jefferson wrote: "Duer, the king of the alley, is under a kind of check. The credit and fate of the nation seems to hang on the desperate throws and plunges of gambling scoundrels." Putnam and Cutler got some relief from the difficulties which the "first people" had heaped upon them; but this was of small comfort to the homesick Frenchmen.

1792-3, etc.

"Plunging" speculators

Landing in March, it was midsummer before they set out for the promised land; and when they found it, all was strange and dismal. Even the lands which they had bought did not belong to them. They were surrounded by the most dangerous and treacherous foes, whose methods of warfare they could not understand. They knew nothing of the methods of pioneer life, these Frenchmen from the shops and factories, but by dint of great labor built a compact little town. Patience and courage were exhausted by the spring of 1792. Some of the settlers fled to Detroit, others to Kaskaskia, while a few remained to keep alive the site and name of Gallipolis.

The French Ohio colony

One of the chief obstacles in the way of Western emigration was the Indian situation. Jefferson proposed to build a fort at Presqu'isle, now Erie, Pennsylvania, to separate the Six Nations from the Western tribes. Rufus Putnam suggested a line of posts from the Ohio to the Lake, which would serve as a protection to the overland trade and a barrier against the savages. Repeated attempts were made to secure treaties, but without

Gallipolis

1792-3

success; for back of the Indians, increasing their discontent and dazzling them with false hopes of interference and help, were the British officials and traders. A deputation from the Senecas visited Philadelphia in March of 1792; but their visit served merely to emphasize the distrust of the Six Nations, who believed that the United States had by design prevented them from forming a party to the previous Western treaties. They promised, however, to use their influence for peace.

Six Nations suspicious

Washington had favored Henry Lee for the command in the West, but the question of seniority under former commissions prevented. Wayne he believed to be "brave and active; but no economist, open to flattery, vain, easily imposed upon, and liable to be drawn into scrapes." These defects might be remedied by the responsibility placed upon him by the assistance of his subordinates, and by the watchful care of General Knox. Wilkinson was selected as the first of Wayne's brigadiers, because of his popularity in the West and his unquestioned skill as an Indian-fighter. Wayne was at Pittsburg not long after his appointment, preparing for the approaching campaign; and in the midsummer of 1792, Putnam, another of the new brigadiers, was sent on a mission to the Wabash Indians at Vincennes, where Hamtramck was in command. Here a treaty was concluded the 27th of September with the Wabash and Illinois tribes, by which they acknowledged themselves to be under the protection of the United States and promised to live in peace and friendship with

Wayne's defects

Supplemented by Wilkinson

Treaty with Wabash and Illinois tribes

1792-3

them. Prisoners were to be restored, petty thievery to cease, the lands fairly belonging to the tribes were confirmed to them, and no part was to be taken except by a satisfactory purchase.[1]

Indian council on

Danger from these tribes was now remote, and everything depended upon the council to be held in the autumn at the rapids of the Maumee, where the Indians had been gathering since July. Cornplanter and Red Jacket, true to their promise made in Philadelphia, attended, but found the prevailing sentiment to be for war. The meeting broke up October 12, agreeing to postpone hostilities until the spring of 1793, provided the United States would withdraw her troops to the country south of the Ohio. Meanwhile in the West small war bands, usually of Delawares and Shawnees, lurked about the trails, driving off horses and cattle and killing unprotected settlers. Major Adair and a body of Kentucky militia were attacked and six men killed. The regulars at Forts Hamilton, St. Clair, and Jefferson were few in number, poorly fed and worse clad, with some months' pay in arrears, while the levies came in tardily. Prospects were not of the brightest.

War-raids in the West

Peace negotiations from whites

Wayne camped for the winter at a point on the Ohio about thirty miles below Pittsburg; and meanwhile an attempt was made toward a general peace by the help of the Iroquois confederacy. Benjamin Lincoln, Beverly Randolph, and Timothy Pickering were appointed as commissioners

[1] This clause was so objectionable that the Senate by a vote of 21 to 4 refused to ratify the treaty.

1793

to confer with the Indians. They reached Niagara in May, where they were expected to await a summons to the Maumee conference. Word reached them, however, that the Western Indians were determined to insist upon the Ohio as a boundary. Communications passed back and forth; various conferences were held from the first of May to the middle of August. The Indians insisted upon the old treaty of Fort Stanwix as the basis of negotiations, ignoring that of Fort Harmar; urged the United States to buy out and remove the settlers from the lands, and refused to treat upon any other terms. It was believed everywhere that this intractable stubbornness was due to British influence, and war preparations were hastened.

Indians insist on Ohio as boundary

Meanwhile Wayne had removed to Fort Washington. He had about 2500 men, and hoped to increase the number by the mounted volunteers from Kentucky. They came in slowly; but without waiting longer, Wayne began his march October 7, 1793, and was soon building a winter camp six miles beyond Fort Jefferson, to which he gave the name of Greeneville. Wayne's army was in many ways different from those that had preceded it. Whatever his defects, the commander-in-chief was not lacking in energy and vigilance. His men believed in him, and for the most part in his subordinates. There was something of the old trouble about discipline, which the commander charged to the turbulent spirit disseminated by the Democratic clubs; but for a Western army the troops were well disciplined and active. The Indians

Wayne collecting his troops

Improvement over St. Clair's

1794

under recent British encouragement were disposed to stand their ground, and there was some fear among the Americans that Wayne would meet with the fate of Harmar and St. Clair.

Lord Dorchester's lure to Indians

To add to the resolution of the savages, Lord Dorchester, who had just returned from England, made a speech to an Indian delegation February 10, 1794, in which he charged the United States with breaking faith in the boundary disputes, asserted that all settlements since 1783 were encroachments, and predicted war between the two countries, in which case the Indians might recover all that they had lost. Thereupon Simcoe with three companies had established a fort at the Maumee rapids, far within American territory, intended apparently to block an advance upon Detroit. As a counter to this occupation, the Pennsylvania Legislature in March of 1794 authorized the fortification of Presqu'isle, but this was soon abandoned upon a request from the government, because of the irritation shown by the Iroquois. Of this abandonment Simcoe was unaware: knowing Wayne's strength, and expecting an attack upon the British posts, he predicted the seizure of the southern shore of Lake Erie and the end of British supremacy.

English seize American territories

Counter-settlement

Meanwhile Wayne was busy with the organization and discipline of his army. The backwoodsmen with some southern Indians formed a cloud of scouts about his position, which prevented any information from reaching the enemy. Late in June his force was increased by 1600 mounted men

Wayne's growing forces

1794

from Kentucky, and soon afterward he began feints in various directions to deceive the Indians as to his movements. A stockade called Fort Adams was built on the St. Mary's; another, Fort Defiance, where the Glaize flows into the Maumee; and thence a messenger was sent to Little Turtle, the leader of the war bands, suggesting a peace conference. Wayne was only about seventy miles from Simcoe's fort, and no reply to his message being received, the advance began again August 15.

Wayne's feints

Advance

It was certain that Wayne would not repeat the mistakes of St. Clair. While urging economy, Washington had requested him not to economize in the powder and lead necessary to make good marksmen; and in addition, Wayne had perfected his soldiers in the use of his favorite weapon the bayonet. He took great pride in his cavalry, which he had reorganized into troops according to the color of their horses, and had trained to fight in wooded as well as open country. In his army were some famous scouts, and so well organized was this branch that a surprise was impossible. From Fort Defiance the expedition moved forward to Roche du Bout, and spent the 19th of August in constructing temporary fortifications to shelter the baggage and stores, and in reconnoitering the position of the enemy, whom they found encamped under the protection of a thick wood and the British fort.

Organization of his army

Movements

On the morning of the 20th the army advanced with the regulars on the right, covered by the Maumee. On the left was a brigade of mounted

riflemen under Brigadier-General Todd, and in the rear another; while Major Price, with a select battalion of cavalry, formed an advance guard to uncover the position of the enemy. General Wilkinson commanded the right wing of the regulars, Colonel Hamtramck the left. When the troops were about two miles from the British fort, Major Price's riflemen in front were compelled to retreat by a severe fire from the Indians, concealed in the high grass and behind the fallen timber, which eventually gave a name to the battlefield. The savages were formed in three lines at right angles to the river, with a front extending nearly two miles. Their first attempt was to turn Wayne's left flank, but the second line advanced to the support of the first; Major Scott's mounted riflemen gained the right flank of the enemy; the first line was ordered to advance, rout out the Indians with the bayonet, deliver its fire, and charge again with the bayonet, allowing its foes no time to re-form or load. At the same time the cavalry under Captain Campbell was ordered to turn the flank of the enemy next the river.

1794 Aug. 20

Battle on the Maumee

"Fallen Timbers"

Wayne's tactics

The orders were obeyed so eagerly, and such was the rush of the advancing first line, that the Indians and their allies were driven headlong from their shelter, and the struggle was terminated fairly under the guns of the British fort. Strive as they might, the second line and the rearmost detachments of the cavalry had no opportunity to engage the enemy. "There was not a sufficiency of the enemy for the Legion to play on," wrote one

Battle won with a rush

1794 Aug. 20 et seq.

of the disappointed officers. Not more than 900 of Wayne's forces were engaged in the battle, which lasted only forty minutes. Of the victors, 33 were killed and 100 wounded. The Indians numbered nearly 2000, with a corps of white volunteers from Detroit under Captain Caldwell. Alexander McKee the British agent was present, as was Simon Girty. The enemy's loss was about 100 killed and more than that number wounded.

English with Indians at Fallen Timbers

In the pursuit, the soldiers had approached within gunshot of the British post; of which the commandant (William Campbell) complained to Wayne, asking how the army was to be viewed, and saying that he knew of no war between Great Britain and the United States. "The most satisfactory answer," Wayne wrote in reply, "was answered to you from the muzzles of my small arms yesterday morning;" and he went on to intimate that the fort and its garrison would have been but a slight impediment to the progress of his victorious troops. An angry correspondence followed during the next day; Wayne writing Campbell that the only hostile act was the building and manning of the fort, and summoning him to abandon his post. This, Campbell of course refused to do; and the intercourse stopped, neither commander being willing to assume the responsibility of an attack. Wayne's army was now in the heart of the Indian settlements. Villages were burned, the growing crops consumed and destroyed, and even the houses of the British traders outside the fort were not spared.

Try to daunt Wayne

Without success

Wayne ravages Indian district

1794-5

From Fallen Timbers Wayne went to Fort Defiance, destroying everything that could not be used. This fort was strengthened so that it might be garrisoned regularly; and the Legion made its way soon afterward to the Miami towns at the junction of the rivers, St. Joseph and St. Mary. Six weeks were spent in the work of collecting supplies and destroying the Indian towns. The Kentucky cavalrymen were sent home; Wayne followed, and reached Greeneville three months after the army set out upon its memorable campaign.

Wayne makes clean work

Indians left in lurch by English

The Indians, discouraged and disappointed, returned to Maumee Bay, where Wayne sent messages of friendship inviting them to Greeneville to conclude a treaty of peace with the United States. The feeling of the natives was especially bitter because they had been supplied with ammunition by the British, had been urged by them to persist in their hostile attitude toward the United States, and had come to believe that in extremities the English would come to their aid. Brant blamed McKee, blamed the Secretary of the Indian Office, condemned the whole policy. "This is the second time," he said, "that the poor Indians have been left in the lurch." The Indians saw that all the professions of British interest were barren of results. Their homes were in ashes, their cornfields destroyed, and famine pressed hard upon them during the winter. In November the first of them began to make overtures for peace; others followed in January, and by the middle of the following month all had entered into a preliminary

Brant's censure

Indians sue for peace

1795, etc. agreement. The tribes began to gather at Greeneville in June, but it was not until the 7th of August that the treaty was signed. There were the usual charges of fraudulent sales, the long speeches, the giving of presents preceding the ratification.

Treaty of Greeneville

The boundary line began at a point on the Ohio opposite the mouth of the Kentucky River, and extended thence to Fort Recovery, a point practically on the present Ohio-Indiana State line; thence it turned east to the upper Muskingum, and down that river and the Cuyahoga to Lake Erie. There were sixteen reservations west of the line, most of them the sites of present or former posts. The most important were those of Fort Wayne and the Maumee-Wabash portage, which were in the heart of the Miami country. Another was Chicago, "where a fort formerly stood," and where a year later a hut was built by Jean Baptiste Pont au Sable, a negro from San Domingo. The final ceremonies in connection with the treaty took place August 10, when it was found that 1100 Indians were present. Fifteen days later, Governor St. Clair issued from Cincinnati his proclamation announcing the end of the war. For the first time in forty years the border was relieved from the fear of Indian attacks.

New Indian boundaries

White reservations west of line

Peace on the border

Threatening as the aspect of affairs had been in the northwest, it was but a little better in the south. There Spain played the same rôle that Great Britain did in the north, with perhaps more secrecy and fully as much effect. It was in 1790 that William Blount was appointed to govern the

Dark clouds in the South

"Territory south of the Ohio," and recommended the appointment of Sevier and Robertson as brigadiers of the militia. Other officers chosen were favorites of the people, and Blount speedily gained a position of commanding influence among the frontiersmen; nor was this influence too great for the task which confronted him. The following year, by the treaty of Holston, he had secured from the nations a final title to lands previously in dispute. In the same year Knoxville was founded, and there Blount became the editor and publisher of the Knoxville *Gazette,* long one of the most prominent and valuable of the pioneer papers. Settlers came to the new territory in such numbers that in 1794 the government passed into the second form, and a Territorial legislature was summoned to meet August 17. This body passed laws for the education of the people, a pension act, and measures for an adequate revenue. Trade was brisk, though coin was scarce; furs, bacon, whisky, deer-skins, anything in common use among the people, did duty as a medium of exchange. Of the kind of lawlessness common to a new country, there was a good deal until the District Attorney, Andrew Jackson, drove the worst offenders south to the Territory of Mississippi.

1790-4

William Blount

Tennessee Territory formed

Pioneer conditions

Meanwhile the Indian depredations continued, war existing except in name. The white men wanted the land, and excited the vengeance of the natives, who were constantly urged into hostilities by the Spanish officers of Louisiana. The treaty of Nogales, made by them with the Choctaws,

Indians set on by Spaniards

1792

Creeks, Cherokees, and Chickasaws in 1792, was in direct contradiction to the agreements made by the Indians with the Americans. The natives were supplied with arms and ammunition, but urged not to engage in war "except to preserve their lands intact." "To sustain the Indians," Carondelet wrote, "is indispensable both to preserve Louisiana and to keep Americans from the navigation of the Gulf." The Federal authorities, far from the seat of trouble, pursued a policy particularly unsatisfactory to the Western settlers. The government agent, acting directly with the Indians, was informed of all the depredations committed upon the tribes by the backwoodsmen, and was inclined to look upon them as the sole aggressors. Blount, who was Superintendent of Indian Affairs, favored his own people, who had taken steps to protect themselves when they found the government inefficient. As a matter of fact, the burden of wrong-doing rested upon different shoulders in different quarters. In the Georgia country the backwoodsmen were the primary offenders, in Tennessee the Indians.

Spanish use Indians as tools

Federal government at odds with settlers

Divided responsibility

A general war threatened in 1792, when the southern tribes were greatly encouraged by the success of their northern brethren; yet in that same year the Cherokees renewed their peace promises and received presents in return. The final struggle began when the Chickamaugas went on the war-path in September; and it was the 30th of the same month that three hundred Cherokees, Creeks, and Shawnees attacked Buchanan's Station in the

Indians break loose

night, and attempted to set fire to the fort, but were beaten off after a number of them had been slain. Terror reigned all along the frontier. Against this isolated warfare there was no effective defense save to invade the heart of the enemy's country and strike a crushing blow; but the officials of the Territory wanted government authorization, and used every effort to prevent sporadic expeditions. By 1794 the situation had become intolerable. The Territorial Legislature petitioned Congress for permission to make war upon the Cherokees and Creeks, and felt that their necessities were as urgent and their grievances as serious as those of the Northwest. In September of 1793 Sevier had led an expedition in a brilliant foray through the Cherokee country. Just a year later, a body of men apparently authorized by Robertson—variously collected and commanded, but under the nominal leadership of Major Orr—struck at the Chickamaugas; the towns were surprised, seventy warriors killed, and a number of prisoners taken.

1792-4

Tenesseans lack authority for self-defense

Finally assume it

Although the expedition was not under government auspices and was in part disapproved, it had an excellent effect,—the natives at last seemed willing to make a serious effort to keep the peace; but Indian feuds and jealousies complicated the situation. The Creeks were divided among themselves, and moreover were at war with the Chickasaws; while the Federal government showed a strange misconception of the state of affairs, in their well-meant but futile efforts to do justice to all parties. Spain's activity was a considerable

Both Indians and national government hostile to settlers

1794-6, etc.

factor in determining the course of the administration. Kentucky, it was said, only held to the Union by a thread; a general Indian war might lead to a war with Spain, possibly with England; and in such a case men speculated as to the action of the West. The administration persisted in its peace policy, however; and by the 8th of December, Washington was able to announce that the Cherokees and Creeks had confirmed the former treaties, and that prisoners and property had been restored. The South as well as the North was relieved for years of the savage scourge, immigration increased rapidly, and two years later, 1796, Tennessee was admitted to the Union with a population of over 76,000, and the men who had made the history of the Territory succeeded to the honors of the State. Andrew Jackson and William Blount represented the new commonwealth in the House and Senate, and John Sevier was the first governor.

Government secures Indian peace

Tennessee admitted

During the early days of Genet's intrigues, the Spanish representatives had repeatedly complained of the dangers to the government of the Spanish territories. The administration assured them that hostile attempts would be prevented; but Carondelet found an equal assurance in the contradictions and inconsistencies of the reports themselves, and prepared to strengthen the control of Spain. He feared the "immoderate ambition of a new people, adventurous, and hostile to all subjection, who had been gathering with prodigious rapidity" and were advancing to the north and west. His policy, therefore, was to weaken their

Carondelet intrigues for Spain against settlers

hold upon the territory wherever possible, to annoy them by sowing intrigues among the Indian tribes, and if no other way offered, to detach them from the American Union. The key to the situation was the navigation of the Mississippi. 1794-6

Meanwhile a movement was on foot for a treaty with Spain which should gain in a diplomatic way the favor which the Westerners proposed to secure by force of arms. November 24, 1794, Thomas Pinckney was transferred from London to Madrid, the West was asked to suspend action until the results of his mission might be known, and Monroe in France was urged to secure the good offices of that republic. One of the vexing questions in any negotiation for peace was that of land titles, for Spain still claimed the parallel of 32° 30′ as the rightful northern boundary. The Federal government claimed the contested strip; while Georgia had rights, some of which she had reserved, while others had been transferred to the various Yazoo companies. In 1795 these organizations again became active; new grants were obtained, by which the greater part of what is now Alabama and Mississippi was sold for a cent and a half an acre. Soon it became known that every vote but one given to these measures had come from legislators who were stockholders in one or the other of the four grantee companies. Other State and Federal officials were involved as well; and the popular outcry was so great that the Legislature of 1796 repealed the law and rescinded the grants. The matter then passed into the hands of the Federal

Negotiating treaty with Spain

Boundary dispute

Huge land-jobbing conspiracy

1794-5

government, and was agitated at various times until ended by a Supreme Court decision in 1814.

Spanish intrigues

Intrigues were going on incessantly between the Spanish authorities and the separatists of the West. On the debatable land at Chickasaw Bluffs, Gayoso the governor of Natchez built a fort from which he could watch the situation and communicate easily with New Orleans and Kentucky. Carondelet began negotiations with Wilkinson in 1794, in a final attempt at separation; in 1795 a meeting was appointed at New Madrid between Gayoso and any Americans who might be disposed to attend. These the Spanish governor met, among others Judge Sebastian of Kentucky; but failing to agree upon the personal commercial ventures which formed no small part of the whole intrigue, it was decided to lay the whole matter before Governor Carondelet at New Orleans. From New Madrid, Gayoso sent an Irishman named Thomas Power—one of those restless, versatile adventurers for which the century was famous—northward to Fort Washington; where he saw Wilkinson, who, despite the uniform he wore, entered eagerly into the plot. Wilkinson wrote Carondelet to resume the up-river trade in order to allay suspicion; to fortify the mouth of the Ohio, for an English invasion of Louisiana was rumored; to establish a bank in Kentucky with his sympathizers as directors; and finally, to secure George Rogers Clark and his friends to Spanish interests. Such was the situation when, on October 27, 1795, Pinckney concluded the treaty with Spain.

With Wilkinson Sebastian, and others

Complicated plot

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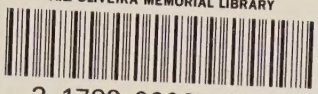

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